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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 **VIRGIL HOLT,**

9 **Plaintiff**

10 **v.**

11 **R. NICHOLAUS, et al.,**

12 **Defendants**  
13

**CASE NO. 1:09-CV-800 AWI SAB**

**ORDER ON PLAINTIFF'S RULE 60(b)  
MOTION FOR RECONSIDERATION**

(Doc. No. 116)

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15 On September 27, 2013, the Court declined to adopt a findings and recommendation that  
16 recommended denying Defendants' motion for summary judgment as untimely. See Doc. No.  
17 115. Instead, the Court permitted Plaintiff the opportunity to file a new motion to compel  
18 discovery responses and referred the matter back to the Magistrate Judge for the purposes of ruling  
19 on the motion to compel, setting a new dispositive motions deadline, and possibly setting a new  
20 discovery deadline. Id. On or by October 30, 2013, Plaintiff was to either inform the Court that  
21 motion to compel was no longer necessary or to file a new motion to compel discovery. Id.

22 On October 23, 2013, Plaintiff filed an objection and a motion for reconsideration. See  
23 Doc. No. 116. Plaintiff objects to the granting of additional time for a new summary judgment  
24 motion to be filed and wishes to limit Defendants to the motion that they previously filed.  
25 However, the September 27 order was based in part on the issues raised by Defendants' motion for  
26 summary judgment. It is not likely that Defendants will file a new motion that bears no  
27 resemblance to their previous motion. Moreover, as contemplated by the September 27 order,  
28 Plaintiff is being given an opportunity to obtain previously requested discovery and to possibly

1 reopen discovery, all before any renewed/additional summary judgment motion gets filed. Such a  
2 procedure does not prejudice Plaintiff. Plaintiff's motion amounts to little more than a mere  
3 disagreement over the Court's order, which is an insufficient basis for reconsideration. See United  
4 States v. Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001). Plaintiff's objection  
5 and motion for reconsideration will be denied.

6 The Court will not entertain any further reconsideration requests as to the September 27,  
7 2013 order. However, the Court will set a new deadline for Plaintiff either to file a renewed  
8 motion to compel discovery or to inform the Court that a motion to compel is no longer necessary.

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10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's motion for reconsideration (Doc. No. 116) is DENIED;
- 12 2. Plaintiff shall file either a new motion to compel (as described in the September 27,  
13 2013 order) or a notice that a motion to compel is no longer necessary on or by  
14 NOVEMBER 20, 2013; and
- 15 3. In all other respect the September 27, 2013 order remains in full force.

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17  
18 IT IS SO ORDERED.

19 Dated: October 25, 2013

  
20 SENIOR DISTRICT JUDGE