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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DENNIS CHAN LAI,	)	1:09-CV-02086 AWI GSA
	)	
Plaintiffs,	)	ORDER PURSUANT TO RULE 60(b)(1) OF
	)	THE FEDERAL RULES OF CIVIL
v.	)	PROCEDURE
	)	(Document 13)
MRS. IPSON, et al.,	)	ORDER DIRECTING CLERK TO SERVE
	)	PLAINTIFF WITH MAGISTRATE JUDGE’S
Defendants.	)	FINDINGS AND RECOMMENDATIONS
	)	DATED MARCH 10, 2010

On May 10, 2010, this Court received a document entitled “Motion to Correct Clerical Error” from Plaintiff Dennis Chan Lai. (Doc. 13.) Essentially, Plaintiff indicates that he did not receive the Magistrate Judge’s Findings and Recommendations, and therefore, did not file objections. Plaintiff seeks various forms of relief, including “put[ting] Notice of Appeal in Abeyance” and “Summary Judgment in Favor of Plaintiff,” among others.<sup>1</sup>

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<sup>1</sup>The Court notes Plaintiff’s concern that a certain document dated January 24, 2010, that he refers to as a motion, was not received by the Court. However, a review of the docket indicates the document was in fact received and appears on the Court’s docket as entry number nine entitled “Response by Dennis Chan Lai to Order.” The Court has not received a Notice of Appeal from Plaintiff, although he references such a document. Nevertheless, in light of this Order, any Notice of Appeal would now be moot.

1 Rule 60 of the Federal Rules of Civil Procedure provides as follows:

2 (a) Corrections Based on Clerical Mistakes; Oversights and Omissions.  
3 The court may correct a clerical mistake or a mistake arising from oversight or  
4 omission whenever one is found in a judgment, order, or other part of the record.  
5 The court may do so on motion or on its own, with or without notice. . . .

6 (b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On  
7 motion and just terms, the court may relieve a party or its legal representative  
8 from a final judgment, order, or proceeding for the following reasons: (1) mistake,  
9 inadvertence, surprise, or excusable neglect; . . .

10 This Court has reviewed its docket in light of Plaintiff's motion. Further, the Court has  
11 confirmed that a mistake did in fact occur because Plaintiff was not served with the Magistrate  
12 Judge's Findings and Recommendations dated March 10, 2010. *See* Fed. R. Civ. P. 60(b)(1).  
13 Therefore, Plaintiff did not have an opportunity to object to those findings. Plaintiff shall be  
14 provided with an opportunity to file objections.

15 Consequently, this Court ORDERS as follows:

- 16 1. The Judgment entered April 28, 2010, is hereby SET ASIDE;
- 17 2. The Clerk of the Court is DIRECTED to serve Plaintiff with the Magistrate  
18 Judge's Findings and Recommendations dated March 10, 2010;
- 19 3. Plaintiff SHALL file any objections to the Findings and Recommendations no  
20 later than 30 days from the date of this Order;
- 21 4. The Clerk of the Court is also DIRECTED to provide Plaintiff with a copy of this  
22 Court's docket report; and
- 23 5. Plaintiff's requests for additional relief, as stated in the motion filed with this  
24 Court on May 10, 2010, are DENIED.

25 IT IS SO ORDERED.

26 **Dated:** May 12, 2010

27 /s/ Anthony W. Ishii  
28 CHIEF UNITED STATES DISTRICT JUDGE