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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

BENNIE RAY BROWN,)	1:10-CV-01460-OWW-JLT
)	
Plaintiff,)	ORDER DENYING MOTION TO
)	RECONSIDER
v.)	
)	(Doc. 30)
OFFICER JESS BEAGLEY, et al.,)	
)	
Defendants.)	

On July 12, 2011, Plaintiff Bennie Ray Brown (“Plaintiff”) filed a “motion pursuant to Federal Rules of Civil Procedure 16 sections (a) (1)(2)(3)(5) and Rules 26 and 56,” (Doc. 20) which Defendants opposed on July 27, 2011. (Doc. 21). In his July 12, 2011 motion Plaintiff sought to have the Court set a conference for the purpose of:

- (1) Expediting disposition of the action;
- (2) Establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) Discouraging wasteful pretrial activities;
- (4) Facilitating settlement

and for “Determining the appropriateness and timing of summary adjudication under rule 56 . . .” (Doc. 20 at 2-3)

On August 29, 2011, the Court denied Plaintiff’s motion as moot. (Doc. 23) The reason for the Court’s order was because “on June 21, 2011, a Rule 26 scheduling conference was set in the matter. (Doc. 19).” Id.

1 Now, Plaintiff has filed a motion to reconsider the Court's order. (Doc. 30) The motion
2 is nearly indecipherable. Plaintiff seems to be under the impression that the Court's earlier order
3 was a "Findings and Recommendation;" it was not and therefore, he did not have the right to
4 make objections. Moreover, there is no fathomable reason why he would object.

5 It appears that Plaintiff's concern stems from his misunderstanding of what has occurred
6 and what will occur at the scheduling conference. Indeed, the Court agrees that each of the
7 purposes of the conference that Plaintiff sought in his July 12, 2011 motion. (Doc. 21) However,
8 by the time that Plaintiff had filed his motion, the Court had already scheduled a Rule 16
9 conference--called a "Scheduling Conference"--at which time these goals would be met.
10 (Doc. 19) Thus, his motion was moot.

11 Because Plaintiff's motion for reconsideration is frivolous and demonstrates no error by
12 the Court, the Court declines to reconsider its previous order and Plaintiff's motion for
13 reconsideration is **DENIED**.

14
15 IT IS SO ORDERED.

16 Dated: October 7, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE