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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN ELLIS PORTER,
Plaintiff,
v.
CHERYLEE WEGMAN, et al.,
Defendants.

Case No. 1:10-cv-01500-LJO-DLB PC

**ORDER DENYING MOTIONS FOR
RECONSIDERATION TO JOIN AS CO-
PLAINTIFFS AND DIRECTING CLERK'S
OFFICE TO SERVE COURTESY COPY
OF ORDER ON INMATE GEORGE
HAMILTON**

(ECF Nos. 88, 91, 93, 94)

Plaintiff Brian Ellis Porter ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. Section 1983. On December 2, 2013, inmate George Hamilton filed a motion seeking to join in this action as a co-plaintiff. (ECF No. 85.) On December 17, 2013, the Court denied the motion to join plaintiffs. (ECF No. 86.) On January 2, 2014, January 15, 2014, January 29, 2014, and March 13, 2014, Plaintiff and inmate George Hamilton filed various motions for the District Judge to reconsider the motion to join plaintiffs and to expedite a hearing for intervention. (ECF Nos. 88, 91, 93, 94.)

Reconsideration motions are committed to the discretion of the trial court. *Rodgers v. Watt*, 722 F.2d 456, 460 (9th Cir. 1983) (en banc); *Combs v. Nick Garin Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). A party seeking reconsideration must set forth facts or law of a strongly convincing nature to induce the court to reverse a prior decision. *See e.g., Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F.Supp. 656, 665 (E.D. Cal. 1986), *aff'd in part and rev'd in part on other grounds*, 828 F.2d 514 (9th Cir. 1987).

1 This Court reviews a motion to reconsider a Magistrate Judge’s ruling under the “clearly
2 erroneous or contrary to law” standard set forth in 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P.
3 72(a). As such, the court may only set aside those portions of a Magistrate Judge’s order that are
4 either clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); *see also Grimes v. City and Cnty.*
5 *of San Francisco*, 951 F.2d 236, 240 (9th Cir.1991) (discovery sanctions are non-dispositive pretrial
6 matters that are reviewed for clear error under Fed. R. Civ. P. 72(a)).

8 A Magistrate Judge’s factual findings are “clearly erroneous” when the district court is left
9 with the definite and firm conviction that a mistake has been committed. *Sec. Farms v. Int’l Bhd. of*
10 *Teamsters*, 124 F.3d 999, 1014 (9th Cir. 1997); *Green v. Baca*, 219 F.R.D. 485, 489 (C.D. Cal.
11 2003). The “‘clearly erroneous’ standard is significantly deferential.” *Concrete Pipe and Prods. of*
12 *Cal., Inc. v. Constr. Laborers Pension Trust for S. Cal.*, 508 U.S. 602, 623, 113 S.Ct. 2264 (1993).

14 The “contrary to law” standard allows independent, plenary review of purely legal
15 determinations by the magistrate judge. *See Haines v. Liggett Group, Inc.*, 975 F.2d 81, 91 (3rd
16 Cir.1992); *Green*, 219 F.R.D. at 489; *see also Osband v. Woodford*, 290 F.3d 1036, 1041 (9th Cir.
17 2002). “An order is contrary to law when it fails to apply or misapplies relevant statutes, case law,
18 or rules of procedure.” *Knutson v. Blue Cross & Blue Shield of Minn.*, 254 F.R.D. 553, 556 (D.
19 Minn. 2008); *Rathgaber v. Town of Oyster Bay*, 492 F.Supp.2d 130, 137 (E.D.N.Y. 2007); *Surles v.*
20 *Air France*, 210 F.Supp.2d 501, 502 (S.D.N.Y. 2001); *see Adolph Coors Co. v. Wallace*, 570
21 F.Supp. 202, 205 (N.D. Cal. 1983).

23 The Magistrate Judge’s ruling was neither clearly erroneous nor contrary to law. Due to the
24 significant and sometimes insurmountable complications which result from multiple incarcerated
25 plaintiffs proceeding pro se in the same action and because none of the inmates may represent the
26 others in the action, Plaintiff and inmate Hamilton’s motions to join as a co-plaintiff are HEREBY
27 DENIED. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998) (affirming denial of joinder
28 motion where proposed parties did not indicate a desire to join and the pro se litigant plaintiff could

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not represent their interests in court).

The Clerk's Office is DIRECTED to serve a courtesy copy of this order on George Hamilton, CDCR # K-54885, at Kern Valley State Prison.

IT IS SO ORDERED.

Dated: August 11, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE