



1 A magistrate judge’s factual findings are “clearly erroneous” when the district court is left with  
2 the definite and firm conviction that a mistake has been committed. Security Farms v. International  
3 Bhd. Of Teamsters, 124 F.3d 999, 1014 (9th Cir. 1997); Green v. Baca, 219 F.R.D. 485, 489 (C.D.  
4 Cal. 2003). The “‘clearly erroneous’ standard is significantly deferential.” Concrete Pipe and  
5 Products of California, Inc. v. Construction Laborers Pension Trust for Southern California, 508 U.S.  
6 602, 623 (1993) (citation omitted).

7 The “contrary to law” standard allows independent, plenary review of purely legal  
8 determinations by a magistrate judge. See Haines v. Liggett Group, Inc., 975 F.2d 81, 91 (3d Cir.  
9 1992); Green, 219 F.R.D. at 489; see also Osband v. Woodford, 290 F.3d 1036, 1041 (9th Cir. 2002).  
10 “An order is contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules of  
11 procedure.” Knutson v. Blue Cross & Blue Shield of Minn., 254 F.R.D. 553, 556 (D. Minn. 2008);  
12 Rathgaber v. Town of Oyster Bay, 492 F.Supp.2d 130, 137 (E.D.N.Y. 2007).

13 The Court has reviewed the Magistrate Judge’s order denying Plaintiff’s motion to amend and  
14 also reviewed Plaintiff’s instant motion for reconsideration. The Magistrate Judge was within his  
15 discretion to deny Plaintiff’s motion to amend as Plaintiff failed to set forth any bases upon which he  
16 sought leave to amend. Indeed, in the present motion for reconsideration, Plaintiff contends he sought  
17 leave to amend to clarify the exhaustion of the California Tort Claims Act as it relates to his state law  
18 claims. However, as stated in the Court’s July 16, 2014, order, “based on the allegations presented in  
19 the First Amended Complaint and Plaintiff’s alleged compliance with the California Tort Claims Act,  
20 the Court finds that Plaintiff states a cognizable claim for state-law tort claim of a negligence against  
21 Defendants Bautista, Blaylock, James, Rupp, and Hackworth, in addition to a claim of deliberate  
22 indifference to Plaintiff’s safety against Defendants Bautista and Blaylock.” (ECF No. 36, Order 2:2-  
23 4.) Thus, there is no need for Plaintiff to further amend the complaint as to the state law claims.

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