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4 **UNITED STATES DISTRICT COURT**  
5 **EASTERN DISTRICT OF CALIFORNIA**  
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7 **GLENN W. BEVER,**

8 **Plaintiff**

9 v.

10 **CAL-WESTERN RECONVEYANCE**  
11 **CORP., et al.,**

12 **Defendants**

**CASE NO. 1:11-CV-1584 AWI SKO**

**ORDER ON FINDINGS AND  
RECOMMENDATION AND  
PLAINTIFF'S MOTIONS TO ALTER  
AND VACATE DEADLINES AND  
SCHEDULING ORDER**

(Doc. Nos. 106, 108, 125)

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14 On March 26, 2014, Plaintiff filed a motion to vacate the Scheduling Order's February 27,  
15 2014 deadline for filing amended pleadings. See Doc. No. 106. On April 3, 2014, Plaintiff filed a  
16 motion to alter or amend the Scheduling Order. See Doc. No. 108. On May 16, 2014, the  
17 Magistrate Judge issued Findings and Recommendations ("F&R") that recommended denying  
18 both of Plaintiff's motions. See Doc. No. 125. On June 2, 2014, Plaintiff filed objections to the  
19 F&R. See Doc. No. 127.

20 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a  
21 *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the  
22 Magistrate Judge's analyses and conclusions are supported by the record and proper analysis. The  
23 Court will overrule Plaintiff's objections and adopt the F&R.<sup>1</sup> The issue of amending the  
24 complaint to add new parties and/or reasserting dismissed claims have been addressed and ruled

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26 <sup>1</sup> The Court notes that in Plaintiff's objections, Plaintiff states that he did not write down dates and relied upon the  
27 Court to send him a copy of the Scheduling Order. However, the Court did send Plaintiff a copy of the order  
28 (although it was apparently not actually received) and Plaintiff does not explain why he did not contact the Court  
about not receiving a copy of the order. The Scheduling Conference occurred on December 5, 2013, the scheduling  
conference order was filed and served on December 6, 2013, and Plaintiff filed a motion to amend on February 7,  
2014. Two months passed between the Scheduling Conference and Plaintiff's motion to amend, yet there is no  
indication that he contacted the Court regarding the failure to receive the scheduling order.

1 upon on the merits, and amendment will not be permitted. This case remains stayed as to Cal-  
2 Western Reconveyance, but continues to proceed against Citi Mortgage on one claim of violation  
3 of California Civil Code § 2923.5. Trial as to Citi Mortgage remains set for November 18, 2014,  
4 and a settlement conference between Plaintiff and Citi Mortgage remains set for June 30, 2014.

5 See Doc. No. 87.

6 Accordingly, IT IS HEREBY ORDERED that:

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- 8 1. The Court ADOPTS IN FULL the Findings and Recommendations filed on May 16, 2014  
9 (Doc No. 125); and
  - 10 2. Plaintiff's motion to vacate and stay (Doc. No. 106) and motion to alter scheduling order  
11 (Doc. No. 108) are DENIED.

12 IT IS SO ORDERED.

13 Dated: June 4, 2014

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15 SENIOR DISTRICT JUDGE  
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