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

LEIF BERGMAN, et al.,

Plaintiff,

vs.

MICHAEL P. TOBIN, et al.,

Defendants.

CASE NO. CV F 11-1866 LJO GSA

**ORDER ON RECONSIDERATION REQUEST
AND TO PERMIT DEFENSE REPLY**
(Doc. 57.)

On November 21, 2012, defendants Michael P. Tobin and Holly W. Tobin (collectively the “Tobins”) filed their request to reconsider (doc. 57) the Findings and Recommendations Denying Motion to Expunge Lis Pendens (doc. 56). This Court construes the Tobins’ reconsideration request as objections under 28 U.S.C. § 636(b)(1), which provides in pertinent part:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

This Court will conduct a de novo review of the findings and recommendations, pursuant to 28 U.S.C. § 636(b)(1) and thus will not treat the Tobin’s reconsideration request as proceeding under Local Rule 303(c), which employs the standard of review of 28 U.S.C. § 636(b)(1)(A). No later than

1 December 4, 2012, the other parties may file a response to the Tobins' reconsideration request.

2 IT IS SO ORDERED.

3 **Dated: November 26, 2012**

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

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