

1 441 (D.C. Cir. 1987). A party seeking reconsideration must set forth facts or law of a strongly
2 convincing nature to induce the court to reverse a prior decision. *See e.g., Kern-Tulare Water*
3 *Dist. v. City of Bakersfield*, 634 F.Supp. 656, 665 (E.D. Cal. 1986), *aff'd in part and rev'd in part*
4 *on other grounds*, 828 F.2d 514 (9th Cir. 1987).

5 This Court reviews a motion to reconsider a Magistrate Judge's ruling under the "clearly
6 erroneous or contrary to law" standard set forth in 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P.
7 72(a). As such, the court may only set aside those portions of a Magistrate Judge's order that are
8 either clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); *see also Grimes v. City and*
9 *Cnty. of San Francisco*, 951 F.2d 236, 240 (9th Cir.1991) (discovery sanctions are non-dispositive
10 pretrial matters that are reviewed for clear error under Fed. R. Civ. P. 72(a)).

11 A Magistrate Judge's factual findings are "clearly erroneous" when the district court is left
12 with the definite and firm conviction that a mistake has been committed. *Sec. Farms v. Int'l Bhd.*
13 *of Teamsters*, 124 F.3d 999, 1014 (9th Cir. 1997); *Green v. Baca*, 219 F.R.D. 485, 489 (C.D. Cal.
14 2003). The "'clearly erroneous' standard is significantly deferential." *Concrete Pipe and Prods.*
15 *of Cal., Inc. v. Constr. Laborers Pension Trust for S. Cal.*, 508 U.S. 602, 623, 113 S.Ct. 2264
16 (1993).

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

25 The Magistrate Judge's ruling was neither clearly erroneous nor contrary to law. The
26 Court previously provided Plaintiff with the appropriate legal standards for his claims and granted
27 leave to amend the complaint.
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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motion for reconsideration is hereby DENIED; and

3 2. Plaintiff must file an amended complaint within thirty (30) days from the date of
4 service of this order or this action will be dismissed for failure to state a claim upon which relief
5 may be granted.

6 IT IS SO ORDERED.

7 Dated: January 2, 2014

8 
9 SENIOR DISTRICT JUDGE