

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
5 County of San Francisco, 951 F.2d 236, 240 (9th Cir.1991) (discovery sanctions are non-dispositive
6 pretrial matters that are reviewed for clear error under Fed. R. Civ. P. 72(a)).

7 A magistrate judge’s factual findings are “clearly erroneous” when the district court is left
8 with the definite and firm conviction that a mistake has been committed. Security Farms v.
9 International Bhd. of Teamsters, 124 F.3d 999, 1014 (9th Cir. 1997); Green v. Baca, 219 F.R.D. 485,
10 489 (C.D. Cal. 2003). The “‘clearly erroneous’ standard is significantly deferential.” Concrete Pipe
11 and Products of California, Inc. v. Construction Laborers Pension Trust for Southern California, 508
12 U.S. 602, 623 (1993).

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

21 Further, in seeking reconsideration of an order, Local Rule 230(j) requires a party to show
22 “what new or different facts or circumstances are claimed to exist which did not exist or were not
23 shown upon such prior motion, or what grounds exist for the motion.”

24 Plaintiff does not raise any new facts, circumstances, or change in the law in his motion which
25 would warrant reconsideration of the Court’s December 14, 2015 order. Plaintiff essentially rehashes
26 arguments raised in his prior motion which the Court has already reviewed, considered, and ruled
27 upon and Plaintiff’s mere disagreement with the Court’s ruling and application of the law is not a valid
28 basis for reconsideration. As stated in the Court’s December 14, 2015, order Plaintiff does not have a

1 constitutionally protected expectation of privacy in prison treatment records, when as here, the State
2 has a legitimate penological interest in access to them. (ECF No. 53, Order at 5.) Plaintiff has not
3 shown clear error or other meritorious grounds for relief. Accordingly, Plaintiff's motion for
4 reconsideration of the Court's December 14, 2015, order is DENIED.

5 IT IS SO ORDERED.

6 Dated: January 20, 2016

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

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