1 2 3 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 MICHAEL BENANTI, Case No. 1:17-cv-01556-LJO-SAB (PC) 12 Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, GRANTING 13 v. DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND DENYING PLAINTIFF'S MATEVOUSIAN, 14 MOTION TO AMEND THE COMPLAINT 15 Defendants. [ECF Nos. 68, 82, 85, 87] 16 17 18 Plaintiff Michael Benanti is appearing pro se and in forma pauperis in this civil rights action 19 pursuant to Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). This matter was 20 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On December 17, 2019, the assigned Magistrate Judge issued Findings and Recommendations 22 recommending that Defendants' motion for summary judgment be granted. (ECF No. 85.) The 23 Findings and Recommendations were served on the parties and contained notice that objections were 24 due within thirty days. (Id.) Plaintiff filed objections on January 6, 2020. (ECF No. 88.) 25 /// 26 /// 27 28

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On January 6, 2020, the assigned Magistrate Judge issued Findings and Recommendations recommending that Plaintiff's motion to amend the complaint filed on December 2, 2019, be denied. (ECF No. 87.) The Findings and Recommendations were served on the parties and contained notice that objections were due within fourteen days. (<u>Id.</u>) Plaintiff filed objections on January 15, 2020. (ECF No. 92.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

In his objections, Plaintiff continues to argue, *inter alia*, that he was denied a copy of his deposition, he is unable to depose certain witnesses, and he it was "unfair" to deny appointment of counsel and appointment of an expert witness. (ECF No. 88.) Plaintiff's arguments were properly addressed by orders issued by the assigned Magistrate Judge (ECF Nos. 35, 63, 72, 76, 80, 91), and Plaintiff fails to demonstrate any basis for reconsideration. As stated by the Magistrate Judge, Plaintiff's indigency and in forma pauperis status does not entitle him to counsel, a free copy of the deposition transcript, or waiver of the fees necessary to depose witnesses. Plaintiff's mere disagreement with any court order is not a valid basis for reconsideration. <u>U.S. Westlands Water Dist.</u>, 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001); see also In re Pacific Far East Lines, Inc., 889 F.2d 242, 250 (9th Cir. 1989) (Rule 60(b)(6) may provide relief where parties were confronted with extraordinary circumstances but it does not provide a second chance for parties who made deliberate choices).

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Based on the foregoing, it is HEREBY ORDERED that: 1. The Findings and Recommendations issued on December 17, 2019, and January 6, 2020 (ECF Nos. 85 and 87) are adopted in full; Plaintiff's motion to amend the complaint (ECF No. 82) is denied; 2. 3. Defendants' motion for summary judgment (ECF No. 68) is granted; and The Clerk of Court shall enter judgment in favor of Defendants. 4. IT IS SO ORDERED. **January 27, 2020** /s/ Lawrence J. O'Neill Dated: UNITED STATES DISTRICT JUDGE