

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS CLINTON,

 Plaintiff,

 v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

 Defendants.

No. 2:05-cv-1600-JAM-CMK

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for reconsideration (Doc. 553). Plaintiff fails to specify what order he is seeking reconsideration of, but refers the Magistrate Judge’s January 1, 2011, order as well as claims against defendants who have been terminated from this action.

Pursuant to Eastern District of California Local Rule 303(b), “rulings by Magistrate Judges . . . shall be final if no reconsideration thereof is sought from the Court within fourteen (14) days calculated from the date of service of the ruling on the parties” Here, the motion for reconsideration of the magistrate judge’s order was filed on January 22, 2015, well beyond 14 days from the date of service of the Magistrate Judge’s order. The motion is, therefore, untimely.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In addition, Local Rule 303(f) provides that a Magistrate Judge’s order shall be upheld unless “clearly erroneous or contrary to law.” Upon review of the entire file, the court finds that it does not appear that the Magistrate Judge’s ruling was clearly erroneous or contrary to law. The sanctions request plaintiff refers to in the motion were in response to documents in support of claims that have been resolved by summary judgment. The only remaining claim in this case relates to defendant Cooper’s alleged failure to honor plaintiff’s medical chronos.

Accordingly, IT IS HEREBY ORDERED that the motion for reconsideration (Doc. 553) is denied.

DATED: May 14, 2015

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE