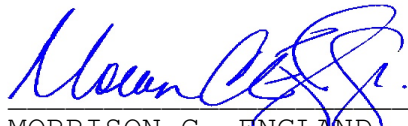


1 Pursuant to Eastern District of California Local Rule 72-
2 303(f), a magistrate judge's order shall be upheld unless
3 "clearly erroneous or contrary to law." Upon review of the
4 entire file, the court finds that it does not appear that the
5 Magistrate Judge's ruling was clearly erroneous or contrary to
6 law. The January 16, 2009 order denying plaintiff the
7 appointment of counsel is, therefore, affirmed.²

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The motion for reconsideration (Doc. 106) is denied;
- 10 2. The Magistrate Judge's January 16, 2009, order is
11 affirmed; and
- 12 3. No further motions for reconsideration of this order
13 will be considered.

14 Dated: February 11, 2009



16 MORRISON C. ENGLAND, JR.
17 UNITED STATES DISTRICT JUDGE

19 ² Pursuant to Eastern District of California Local Rule
20 72-303(b), "rulings by Magistrate Judges shall be final if no
21 reconsideration thereof is sought from the Court within ten court
22 days . . . from the date of service of the ruling on the
23 parties." The order plaintiff is objecting to was filed on
24 January 16, 2009. Therefore, plaintiff time to request
25 reconsideration expired on January 26, 2009. Plaintiff did not
26 sign his current motion until January 28, 2009, which would make
plaintiff's motion untimely. However, plaintiff has indicated in
previous filings that he has a hand injury which may affect his
ability to file documents in a timely manner. Although from his
writing on this most recent filing, it appears his hand injury
has improved, the court has considered the merits of his untimely
request.