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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AZHAR LAL,

Plaintiff,

No. CIV S-07-2060 KJM EFB P

vs.

FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 19, 2011, the magistrate judge filed an order and findings and recommendations, which was served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

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1 1983). Having carefully reviewed the file, the court finds the findings and recommendations to
2 be supported by the record and by the proper analysis.


3 In the December 19 order, the magistrate judge also directed counsel for
4 respondent to show cause why he should not be sanctioned for submitting an untrue declaration.
5 Respondent has filed a motion to reconsider the issuance of this order, arguing that his
6 declaration was not untrue. However, because the order to show cause is not a final
7 determination on the question of sanctions, “there is no decision or order for the Court to
8 ‘reconsider.’ Should the magistrate judge ultimately impose sanctions, [counsel] may file a
9 motion for reconsideration at that time.”

10 *Hood v. Midwest Savings Bank*, 2001 WL 327723 (S.D.Ohio Mar. 22, 2001).

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The findings and recommendations filed December 19, 2011, are adopted in
13 full;
- 14 2. Plaintiff’s motion for terminating sanctions (ECF No. 129) is denied; and
- 15 3. The motion for reconsideration (ECF No. 144) is denied without prejudice.

16 DATED: March 7, 2012.

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19 UNITED STATES DISTRICT JUDGE
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