

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

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

MALIK JONES,

Plaintiff,

No. CIV S-08-2607 MCE KJM P

vs.

J. MCGUIRE, et al.,

Defendants.

ORDER

_____ /

On June 24, 2009, the court denied plaintiff’s June 10, 2009 motion for reconsideration as untimely. Plaintiff points out to the court that the motion was timely considering occurrence of the Memorial Day holiday on May 25, 2009. Therefore, the court will vacate its June 24 order.

However, the motion for reconsideration will still be denied. Pursuant to E.D. Local Rule 72-303(f), a magistrate judge’s orders shall be upheld unless “clearly erroneous or contrary to law.” Upon review of the entire file, the court finds that the magistrate judge’s May 21, 2009 order is neither clearly erroneous nor contrary to law.

/////
/////
/////

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

Accordingly, IT IS HEREBY ORDERED that:

1. The court's June 24, 2009 order is vacated; and
2. Upon reconsideration, the order of the magistrate judge filed May 21, 2009, is

affirmed.

Dated: July 17, 2009



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE