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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRIOT RAIL CORP.,

Plaintiff,

v.

SIERRA RAILROAD CO.,

Defendant.

AND RELATED COUNTERCLAIMS

No. 2:09-cv-0009 TLN AC

ORDER

Counter-defendant Pacific Rail LLC (a/k/a Patriot Rail LLC) (“Pacific”), seeks reconsideration of ECF No. 730, the undersigned’s February 9, 2016 discovery order. ECF No. 757. This court’s Local Rules provide for reconsideration of such orders either by the magistrate judge who issued it or by the district judge presiding over the case. E.D. Cal. R. (“Local Rule”) 303(b), (c).

Pacific, however, seeks reconsideration by “the Magistrate and/or the District Court.” ECF No. 757 at 2. Although Pacific avers that it has done so “to ensure compliance with Local Rule 303,” it has in fact ensured non-compliance with that Local Rule. There is no provision in the Local Rules for reconsideration by both judges at the same time, nor is there a provision for the judges to determine which one will decide the request. The request will therefore be denied for failure to comply with Local Rule 303. Pacific is advised that it is free to file a new request

1 for reconsideration that complies with the Local Rules, and that seeks reconsideration either from  
2 the magistrate judge or the district judge, but not from both.

3 Pacific has indicated that it “believes that the issue is best addressed in the first instance  
4 by the Magistrate . . .” The undersigned will be pleased to decide the matter upon presentation of  
5 a proper request that complies with the Local Rules. However, if Pacific chooses to submit the  
6 request to the district judge, it still must comply with the Local Rules, including Local  
7 Rule 303(c), which specifies the caption that must be used.


8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Request for Reconsideration (ECF No. 757), is DENIED for non-compliance with  
10 Local Rule 303.

11 2. The Request To Seal (ECF No. 758), is DENIED as moot.

12 3. Pacific’s time for filing a request for reconsideration of ECF No. 730, is EXTENDED  
13 to 14 days from the date of this order.

14 DATED: February 23, 2016

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
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