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

ERIC WICK,)	
)	2:09-cv-01027-GEB-EFB
Plaintiff,)	
)	
v.)	<u>ORDER DENYING REQUEST FOR</u>
)	<u>ENTRY OF JUDGMENT UNDER RULE</u>
H. ANGELEA, V. MONROE, J. MEJIA,)	<u>54 (b)</u>
and N. GRANIS,)	
)	
Defendants.*)	
_____)	

Kerry McClelland filed a Request for Entry of Judgment on February 26, 2013, requesting "that Judgment in favor of Kerry McClelland be entered" under Federal Rule of Civil Procedure ("Rule") 54(b). (McClelland's Req. 4:6-7, ECF No. 75.) McClelland argues the February 11, 2013 Order adopting the Magistrate Judge's findings and recommendations filed January 14, 2013, "dismiss[ed] all claims against [him]" and "there is no just reason to delay entry of Judgment in [his] favor" (Id. at 1:20-2:4.)

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* The caption has been amended according to the February 12, 2013 Order, which dismissed all claims against Defendants Kathleen Prosper, Cindy Gutierrez, Joy Hirai, Kerry McClelland, and Stephen Peck. (ECF No. 74, 2:5-7.)

1 Rule 54(b) provides:

2 When an action presents more than one claim for
3 relief . . . , or when multiple parties are
4 involved, the court may direct entry of a final
5 judgment as to one or more, but fewer than all,
6 claims or parties only if the court expressly
7 determines that there is no just reason for delay.
8 Otherwise, any order or other decision, however
9 designated, that adjudicates fewer than all the
10 claims or the rights and liabilities of fewer than
11 all the parties does not end the action as to any
12 of the claims or parties and may be revised at any
13 time before the entry of a judgment adjudicating
14 all the claims and all the parties' rights and
15 liabilities.

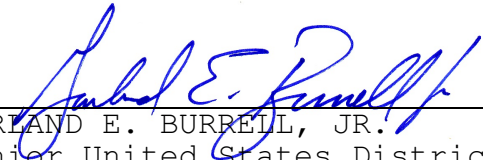
16 In applying this rule, "[a] district court must first
17 determine that it has rendered a final judgment, that is, a judgment
18 that is an ultimate disposition of an individual claim entered in the
19 course of a multiple claims action." Wood v. GCC Bend, LLC, 422 F.3d
20 873, 878 (9th Cir. 2005) (internal quotation marks omitted). "Then [the
21 district court] must determine whether there is any just reason for
22 delay." Id. "It is left to the sound judicial discretion of the district
23 court to determine the appropriate time when each final decision in a
24 multiple claims action is ready for appeal. This discretion is to be
25 exercised in the interest of sound judicial administration." Id.
26 (internal quotation marks omitted). Factors to consider include:

27 (1) whether certification would result in
28 unnecessary appellate review; (2) whether the
claims finally adjudicated were separate, distinct,
and independent of any other claims; (3) whether
review of the adjudicated claims would be mooted by
any future developments in the case; and (4)
whether an appellate court would have to decide the
same issues more than once even if there were
subsequent appeals.

Mountain View Hosp., L.L.C v. Sahara, Inc., No. 4:07-cv-00464-BLW, 2012
WL 397604, at *1 (D. Idaho Feb. 7, 2012) (citing Wood, 422 F.3d at 878).

1 McClelland has not shown sufficient justification for entry of
2 partial final judgment under Rule 54(b). Therefore, his motion is
3 DENIED.

4 Dated: March 11, 2013

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8 GARLAND E. BURRELL, JR.
9 Senior United States District Judge
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