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

SCOTT JOHNSTON,

No. CIV S-09-1353-FCD-CMK

Plaintiff,

vs.

ORDER

CITY OF RED BLUFF, et al.,

Defendants.

_____ /

Plaintiff brings this civil action under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621-634, against the City of Red Bluff and various of its employees. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On June 23, 2011, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Timely objections to the findings and recommendations have been filed.

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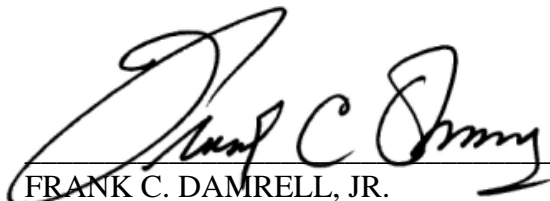
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the
3 entire file, the court finds the findings and recommendations to be supported by the record and
4 by proper analysis.

5 Also before the court is plaintiff's motion for reconsideration (Doc. 65) of the
6 Magistrate Judge's order allowing defendants to file an amended answer. Pursuant to Eastern
7 District of California Local Rule 303(f), a Magistrate Judge's order shall be upheld unless
8 "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that it does
9 not appear that the Magistrate Judge's ruling was clearly erroneous or contrary to law. The July
10 15, 2011, order is, therefore, affirmed.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The findings and recommendations filed June 23, 2011, are adopted in
13 full;
- 14 2. Plaintiff's motions for summary judgment (Docs. 43 and 55) are denied as
15 premature;
- 16 3. Plaintiff's motion for reconsideration (Doc. 65) is denied;
- 17 4. The Magistrate Judge's July 15, 2011, order is affirmed; and
- 18 5. No further motions for reconsideration of the July 15, 2011, order shall be
19 entertained.

20 DATED: August 31, 2011.

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22 FRANK C. DAMRELL, JR.
23 UNITED STATES DISTRICT JUDGE
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