1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 TIMOTHY WATTS, No. 2:09-cv-1515-KJM-CMK-P 12 Plaintiff. 13 v. **ORDER** 14 R. RAMOS, et al., 15 Defendants. 16 17 Plaintiff's Motion to Reopen the case is before the court. (ECF 79.) 18 Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief 19 under 42 U.S.C. § 1983 on June 2, 2009 (ECF 1). The matter was referred to a United States 20 Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On August 20, 2013, the magistrate judge filed amended findings and recommendations, 22 which were served on all parties and which contained notice to all parties that any objections to 23 the findings and recommendations were to be filed within a specified time. (ECF 73.) No 24 objections to the finding and recommendations were filed. On September 30, 2013, this court 25 issued an order adopting in full the magistrate judge's amended findings and recommendations 26 (ECF 77), and a judgment was entered (ECF 78). 27 Plaintiff now argues that this court should reopen his case because he did not have the 28 opportunity to conduct meaningful discovery. (ECF 79 at 2-5.) In essence, plaintiff reasons 1

defendants never complied with plaintiff's discovery requests throughout the litigation; thus, plaintiff was unable to successfully oppose defendants' summary judgment motion. (*Id.*)

After reviewing the file in this case and plaintiff's arguments, the court finds the reopening of this case is unwarranted. Throughout the litigation, the parties requested discovery be reopened on various occasions, and the court granted the parties' requests. (*See* ECF 34.) The last extension was granted in a May 18, 2001 order, where the court extended the discovery deadline to July 20, 2011, "with any motion to compel filed within 60 days of [that] date." (*Id.* at 2.) Subsequently, plaintiff filed a motion to compel discovery on July 15, 2011. (ECF 35.) The court denied that motion. (ECF 38.) Because plaintiff had the opportunity to raise defendants' alleged failure to respond to his discovery requests during this litigation, the court finds plaintiff's post-judgment arguments unavailing.

Accordingly, the court HEREBY DENIES plaintiff's Motion to Reopen the case.

DATED: April 14, 2014.

UNITED STATES DISTRICT JUDGE