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

ROBERT CRAIG HARRIS,

Plaintiff,

CIV-S-09-2336 WBS GGH

vs.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

ORDER

On December 21, 2009, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Objections were filed on January 12, 2010, and have been considered by the court. As the objections address the order portion of the magistrate’s opinion, the objections also will be construed as a motion for reconsideration.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made,

1 the court assumes its correctness and decides the motions on the applicable law. See Orand v.  
2 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are  
3 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.  
4 1983).

5 Plaintiff seeks to be relieved of the magistrate judge's order imposing \$500 in  
6 sanctions. Pursuant to E.D. Local Rule 303(f), a magistrate judge's orders shall be upheld unless  
7 "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that it does  
8 not appear that the magistrate judge's ruling was clearly erroneous or contrary to law.

9 Plaintiff did not respond to two orders to show cause. Having ignored these  
10 orders, a response which may well have excused sanctions, when plaintiff finally responded to  
11 the ultimate order and findings and recommendations, his explanation that "having not ever  
12 practiced in this court previously, or at least since this district adopted the e-filing system," is  
13 belied by his filing history in this court, comprised of five previous cases, one of which contains  
14 a pleading e-filed by Mr. Dedman. See Civ.S. 07-1265 JAM JFM (e-filed); Civ.S. 04-1155  
15 LKK JFM; Civ.S. 02-2249 WBS GGH; Civ.S. 03-0845 LJO DLB; Civ.S. 88-0756 DFL PAN.

16 IT IS ORDERED that:

- 17 1. The order of the magistrate judge filed December 21, 2009, is affirmed.
- 18 2. Plaintiff's counsel shall pay \$500 in sanctions to the court forthwith.
- 19 3. This case is restored to the active calendar and referred back to the assigned  
20 Magistrate Judge for such further proceedings as are appropriate.

21 DATED: February 3, 2010

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23 WILLIAM B. SHUBB  
24 UNITED STATES DISTRICT JUDGE  
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