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

JOSEPH B. MATTHEWS,

Plaintiff,

No. 2:09-cv-2415 GEB KJN P

vs.

LAHEY, et al.,

Defendants.

ORDER

_____ /

On October 28, 2011, plaintiff filed a request for reconsideration of the magistrate judge’s order filed October 14, 2011, disregarding plaintiff’s October 3, 2011 opposition. Plaintiff claims he was required to oppose “any motion for summary judgment or dismissal of his complaint” pursuant to the court’s December 8, 2009 order.

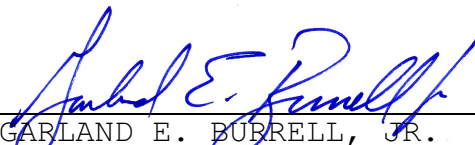
The court’s December 8, 2009 order informed the parties that certain motions shall be briefed pursuant to Local Rule 78-230(m), later amended to Local Rule 230(l). On September 9, 2011, defendant Basi filed an answer. On October 3, 2011, plaintiff filed a document entitled “Opposition to Defendant[’s] Answer,” in which plaintiff states: “The Plaintiff hereby files his opposition to the defendant[’s] answer to his complaint. . . .” (Dkt. No. 81 at 1.) The magistrate judge ordered plaintiff’s opposition disregarded because the court did not order plaintiff to file a reply to the answer. (Dkt. No. 82.) The September 9, 2011 filing was

1 an answer, not a motion; therefore, no opposition was required under the court's Local Rules. As
2 of November 8, 2011, defendant Basi has not filed a motion to dismiss or a motion for summary
3 judgment, and no other dispositive motion is pending at the present time.¹

4 Pursuant to E.D. Local Rule 303(f), a magistrate judge's orders shall be upheld
5 unless "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that
6 it does not appear that the magistrate judge's ruling was clearly erroneous or contrary to law.

7 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the
8 magistrate judge filed October 14, 2011, is affirmed.

9 Dated: November 9, 2011

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GARLAND E. BURRELL, JR.
United States District Judge

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26 ¹ The motion for summary judgment filed by defendants Lahey, Tan and Traquina was
granted on September 6, 2011. (Dkt. No. 73.)