

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DeWAYNE THOMPSON,

No. CIV S-09-3478-JAM-CMK-P

Plaintiff,

vs.

ORDER

CHRIS MAUCK, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is a motion for reconsideration (Doc. 22) of the Magistrate Judge’s October 21, 2010 order.¹

Pursuant to Eastern District of California Local Rule 303(f), a magistrate judge’s order shall be upheld unless “clearly erroneous or contrary to law.” Upon review of the entire file, the court finds that it does not appear that the magistrate judge’s ruling was clearly erroneous or contrary to law. In addition, after conducting a de novo review of this case, and

¹ At the time the order was issued, this case was before the Magistrate Judge as the presiding judge pursuant to plaintiff’s consent. See 28 U.S.C. § 636(c). Plaintiff subsequently requested to withdraw that consent, which was granted and this matter was reassigned to the undersigned.

1 carefully reviewing the entire file, the court finds the Magistrate Judge's October 21, 2010, order
2 to be supported by the record and by proper analysis. The order is, therefore, affirmed.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The motion for reconsideration (Doc. 22) is denied;
- 5 2. The Magistrate Judge's October 21, 2010, order is affirmed;
- 6 3. The dismissal of plaintiff's claims for harassment against defendant
7 Mauck, and all claims against defendants Statti and Lockwood is affirmed;
- 8 4. The dismissal of defendants Statti and Lockwood is affirmed;
- 9 5. This case proceeds on plaintiff's other claims against defendants Mauck
10 and Thompson only; and
- 11 6. No further motions for reconsideration of this order will be considered.

12 DATED: July 15, 2011

13
14 /s/ John A. Mendez
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26