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

JOHN CLINT DRAPER,

Plaintiff,

No. 2:10-cv-0032 KJM EFB P

vs.

D. ROSARIO,

Defendant.

ORDER

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On November 26, 2012, plaintiff filed objections to the magistrate judge’s order filed November 2, 2012, which denied plaintiff’s motion to compel and motion for writs of habeas corpus ad testificandum. The court construes plaintiff’s objections as a motion for reconsideration. Under E.D. 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 the magistrate judge’s ruling is not clearly erroneous or contrary to law.

Although plaintiff’s claim is not the clearest, he appears to argue that the magistrate judge’s order is improper because this case has been reassigned from Judge Damrell to the undersigned. Under the Local Rule 302(c)(1) & (17) however, the magistrate judge assigned to a case handles discovery motions and actions brought by prisoners, including

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1 dispositive and non-dispositive motions. The reassignment to the undersigned of this case did  
2 not change the magistrate judge's duties in this case.

3 Although plaintiff's motion to compel asked for a copy of the video-taped  
4 deposition, in his motion for reconsideration he asks for a written copy of the deposition. (ECF  
5 74). Despite his in forma pauperis status, plaintiff is not entitled to a copy of the deposition  
6 either at governmental or the defendant's expense. *Allen v. Hernandez*, No.  
7 1:05-cv-00145-AWI-SMS-PC 2008 WL 4078742, at \*1 (E.D. Cal. Aug. 29, 2008)

8 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of  
9 the magistrate judge filed November 2, 2012, is affirmed.

10 DATED: January 16, 2013.

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13 UNITED STATES DISTRICT JUDGE  
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