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

MARIO FLAVIO GARCIA,

Petitioner,

No. CIV S-10-0968 GEB DAD P

vs.

KEN CLARK, Warden,

Respondent.

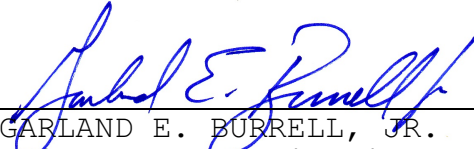
ORDER

_____ /

On March 10, 2011, petitioner filed a request for reconsideration of the magistrate judge’s order filed February 17, 2011, which denied petitioner’s request for preservation of evidence and for sanctions. Pursuant to E.D. Local Rule 303(f), a magistrate judge’s orders shall be upheld unless “clearly erroneous or contrary to law.” Upon review of the entire file, the court finds that it does not appear the magistrate judge’s ruling was clearly erroneous or contrary to law.

Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the magistrate judge filed February 17, 2011 is affirmed.¹

Dated: March 30, 2011



GARLAND E. BURRELL, JR.
United States District Judge

¹ From a reading of petitioner’s request for reconsideration, it appears that petitioner may be asking this court to grant a motion for discovery. Petitioner is advised that if he wishes to file a motion for discovery, he must file a separate motion before the Magistrate Judge. A request for reconsideration is not the appropriate vehicle to request discovery in a habeas action. To the extent petitioner is requesting reconsideration of the Magistrate Judge’s October 6, 2010 order denying his previously filed motion for discovery, that request is untimely. See Local Rule 303(b).