

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**

CAROLINE BIRK,

No. 2:10-cv-01039-MCE-CMK

Plaintiff,

v.

ORDER

GATEWAY FUNDING CORP., et al.,

Defendants.

\_\_\_\_\_ /


Final judgement was prematurely entered in this action on March 9, 2011, in accordance with an order issued that same day. Pursuant to Federal Rule of Civil Procedure 60(a) the court will vacate the March 9, 2011, order and final judgment (Docs. 63 & 64). The Clerk of the Court will be directed to re-open this action.

Pending before the court is plaintiff’s motion for reconsideration (Doc. 58) of the Magistrate Judge’s December 2, 2010, order (Doc. 57). 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. The December 2, 2010, order is, therefore, affirmed.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The March 9, 2011, order (Doc. 63) and final judgment (Doc. 64) are vacated  
3 pursuant to Fed. R. Civ. P. 60(a);
- 4 2. The Clerk of the Court is directed to re-open this action.
- 5 3. Plaintiff's motion for reconsideration (Doc. 58) is denied;
- 6 4. The Magistrate Judge's December 2, 2010, order is affirmed; and
- 7 5. No further motions for reconsideration of this order will be considered.

8 Dated: March 29, 2011

9   
10 \_\_\_\_\_  
11 MORRISON C. ENGLAND, JR.  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26