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

BRIAN DARNELL EDWARDS,

Plaintiff,

No. 2:10-cv-3461 WBS KJN P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

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Pursuant to the mailbox rule, on March 13, 2012, plaintiff filed a request for reconsideration of the magistrate judge’s order filed March 7, 2012 denying plaintiff’s motions to compel. Pursuant to E.D. Local Rule 303(f), a magistrate judge’s orders shall be upheld unless “clearly erroneous or contrary to law.”

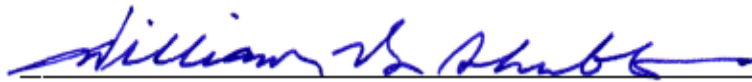
The magistrate judge denied plaintiff’s motions to compel because they were not timely. The discovery cut-off date was December 30, 2011. Plaintiff’s motions to compel were filed on January 2, 2011.

In the request for reconsideration, plaintiff alleges that his motions to compel were not timely because he did not receive defendants’ discovery responses until December 28, 2011. Plaintiff also alleges that he could not prepare timely motions to compel due to inadequate law library access.

1 Plaintiff could have filed a request for extension of time to file his motions to  
2 compel. Alleged inadequate law library access did not prevent plaintiff from seeking such an  
3 extension of time. Accordingly, upon review of the entire file, the court finds that it does not  
4 appear that the magistrate judge's ruling was clearly erroneous or contrary to law.

5 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of  
6 the magistrate judge filed March 7, 2012, is affirmed.

7 DATED: April 17, 2012

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9 WILLIAM B. SHUBB  
10 UNITED STATES DISTRICT JUDGE

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