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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ENTREPRENEUR MEDIA, INC.,
Plaintiff,
v.
SCOTT SMITH dba ENTREPRENEUR,
Defendant.

No. 2:10-mc-55 JAM-EFB

**ORDER DENYING DEFENDANT'S MOTION
FOR RECONSIDERATION**

This matter is before the Court on Defendant Scott Smith's ("Defendant") Motion for Reconsideration by the District Court of the Magistrate Judge's Ruling (Doc. #163).¹ Plaintiff Entrepreneur Media, Inc. ("Plaintiff") did not file an opposition. For the reasons set forth below, Defendant's motion is DENIED.

I. FACTUAL ALLEGATIONS AND PROCEDURAL BACKGROUND

Defendant is a judgment debtor of Plaintiff. On August 26,

¹ This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 303(e). No hearing was scheduled.

1 2013, Plaintiff moved to compel further responses to discovery
2 (Doc. #150). Defendant opposed the motion, in part, because
3 Plaintiff failed to comply with Local Rule 251(b), which requires
4 parties to meet and confer and create a Joint Statement Re:
5 Discovery Disagreement prior to filing a motion regarding
6 discovery (Doc. #154). On November 26, 2013, the Magistrate
7 Judge granted in part and denied in part Plaintiff's Motion to
8 Compel (Doc. #162). The Magistrate Judge did not address
9 Defendant's Local Rule 251(b) argument. Defendant seeks
10 reconsideration of the Magistrate Judge's order (Doc. #163).

11 12 II. OPINION

13 A. Legal Standard

14 The standard for a Motion for Reconsideration is governed by
15 28 U.S.C. § 636(b) and Local Rule 303. The district court "may
16 reconsider any pretrial matter . . . where it has been shown that
17 the magistrate judge's order is clearly erroneous or contrary to
18 law." 28 U.S.C. § 363(b)(1)(A); E.D. Cal. L. R. 303(f). The
19 standard of review under § 636(b)(1)(A) is highly deferential;
20 see United States v. Abonce-Barrera, 257 F.3d 959, 968-69 (9th
21 Cir. 2001), and does not permit the reviewing court to substitute
22 its own judgment for that of the magistrate judge's. Grimes v.
23 City & County of San Francisco, 951 F.2d 236, 241 (9th Cir.
24 1991).

25 B. Discussion

26 Defendant argues that the Magistrate Judge clearly erred by
27 failing to apply Local Rule 251(b) even though Plaintiff did not
28 comply with the rule. Although parties are bound by the Local

1 Rules, the Court is not. Compare L.R. 110 (sanctions for
2 noncompliance with the Rules) with L.R. 102(d)(discretion of the
3 Court). Local Rule 102 provides that “[u]nless contrary to law,
4 the Court in its discretion may make such orders supplementary or
5 contrary to the provisions of these Rules as it may deem
6 appropriate and in the interests of justice and case management
7 under Fed. R. Civ. P. 16 or Fed. R. Crim. P. 17.1 in a special
8 circumstance.” L.R. 102(d). Therefore, it was within the
9 Magistrate Judge’s discretion not to apply Local Rule 251(b).

10 Accordingly, Defendant has not demonstrated that the
11 Magistrate Judge’s ruling is “clearly erroneous or contrary to
12 law.”

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14 III. ORDER

15 For the reasons set forth above, the Court DENIES
16 Defendant’s Motion for Reconsideration of the Magistrate Judge’s
17 Ruling.

18 IT IS SO ORDERED.

19 Dated: January 10, 2014

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22 JOHN A. MENDEZ,
23 UNITED STATES DISTRICT JUDGE
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