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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS JOHN HEILMAN,
Plaintiff,
v.
C. CHERNISS, et al.,
Defendants.

No. 2:11-cv-00042 JAM-EFB P

ORDER DENYING CDCR'S REQUEST FOR RECONSIDERATION

Before this Court is non-party California Department of Corrections and Rehabilitation's ("CDCR") Request for Reconsideration (Mot., ECF No. 276) of Magistrate Judge Brennan's November 15, 2018 Order (Order, ECF No. 272) granting in part Plaintiff's Motion to Compel (ECF No. 263). CDCR challenges the Magistrate Judge's sanctions awarding attorney's fees to Plaintiff in connection with the Motion to Compel.

A magistrate's ruling on non-dispositive matters, such as sanctions, must not be disturbed unless "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); E.D. Local Rule 303(f).

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1 In granting the sanctions against CDCR, Magistrate Judge
2 Brennan found that CDCR's objections to the discovery based on
3 "state law privilege" and the "contention that the protective
4 order in this case is insufficient" were "without justification."
5 Order at 3. This Court agrees. CDCR's arguments that its
6 nondisclosure was substantially justified are not persuasive.

7 Upon review, the Court does not find the Magistrate Judge's
8 ruling sanctioning CDCR to be clearly erroneous or contrary to
9 law. CDCR's Request for Reconsideration is, therefore, DENIED.

10 This Court leaves to Magistrate Judge Brennan the
11 determination of the amount of the sanctions to be imposed
12 against CDCR. Order at 4.

13 IT IS SO ORDERED.

14 Dated: December 14, 2018

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16 JOHN A. MENDEZ,
17 UNITED STATES DISTRICT JUDGE
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