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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD KIMBRO,

12 Plaintiff,

13 v.

14 MIRANDA, et al.,

15 Defendants.
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No. 2:12-cv-2154 MCE KJN P

ORDER

17 Pursuant to the mailbox rule, on December 16, 2014, Plaintiff filed a request for
18 reconsideration of the magistrate judge's order filed December 4, 2014, denying Plaintiff's
19 motion for extension of time. ECF No. 95. Pursuant to E.D. Local Rule 303(f), a magistrate
20 judge's orders shall be upheld unless "clearly erroneous or contrary to law." Id. For the
21 following reasons, Plaintiff's motion for reconsideration is DENIED.

22 On November 24, 2014, Plaintiff filed a motion for an extension of time to file a
23 supplemental opposition to Defendants' summary judgment motion and a request for the court to
24 clarify the meaning of Defendants' letter dated November 6, 2014. ECF No. 93. Attached as an
25 exhibit to Plaintiff's motion was a copy of an order issued by Magistrate Judge Claire in Hubbard
26 v. Hougland, 2: 09-cv-0939 TLN AC P. Id. at 9-25. In that order, Judge Claire directed the
27 defendants in that case to provide that plaintiff, Mr. Hubbard, with documents requested in a
28 motion to compel. Id. Also attached as an exhibit to plaintiff's motion for extension of time was

1 a letter dated November 6, 2014, addressed to Plaintiff in this case, i.e., Mr. Kimbro, regarding
2 Hubbard v. Hougland, 2:09-cv-0939 TLN AC P, from Deputy Attorney General Heath. Id. at 8.
3 In this letter, Deputy Attorney General Heath stated that the documents ordered produced by
4 Judge Claire would be produced by December 1, 2014. Id.

5 In his November 24, 2014 motion, Plaintiff requested an extension of time to review the
6 documents produced to him by Deputy Attorney General Heath so that he could file a
7 supplemental opposition to Defendants' pending summary judgment motion. Id. at 1-3.

8 On December 4, 2014, Magistrate Judge Newman denied Plaintiff's November 24, 2014,
9 motion for extension of time after finding that the letter sent to Plaintiff by Deputy Attorney
10 General Heath was sent to Plaintiff in error. ECF No. 94.

11 In the pending motion for reconsideration, Plaintiff contends that the letter sent to him by
12 Deputy Attorney General Heath was not sent to him in error. ECF No. 95. On January 20, 2015,
13 Defendants filed an opposition to Plaintiff's motion for reconsideration. ECF No. 96. According
14 to Defendants, that the letter sent to plaintiff by Deputy Attorney General Heath was not sent in
15 error, but that the letter is unrelated to the instant action. Id.

16 More specifically, Defendants state that in Hubbard v. Hougland, 2:09-cv-0939 TLN AC,
17 Judge Claire ordered the defendants in that case to produce grievances/appeals/staff misconduct
18 complaints filed against them by individuals alleging excessive force or dishonesty. Id. at 2-3.
19 Defendants explain that the purpose of Deputy Attorney General Heath's November 6, 2014,
20 letter to Plaintiff was to inform him that his staff complaint was being produced to inmate
21 Hubbard in another litigation. Id. at 3. Defendants further note that, on December 9, 2014,
22 Deputy Attorney General Heath sent plaintiff a follow-up letter explaining the purpose of the
23 November 6, 2014 letter. Id. at 3, 7.

24 In the opposition, Defendants also respond to Plaintiff's request to reopen discovery based
25 on the new information he received as a result of the letter from Deputy Attorney General Heath.
26 Id. at 4-5. Defendants observe that discovery in this case closed on September 6, 2013. Id. at 2.

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1 Because the letter sent to Plaintiff by Deputy Attorney General Heath is unrelated to the
2 instant action, Magistrate Judge Newman's December 4, 2014 order denying plaintiff's motion
3 for extension of time was not clearly erroneous or contrary to law. Plaintiff has not shown good
4 cause to reopen discovery based on the letters he received from Deputy Attorney General Heath.
5 See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992) (good cause must
6 be shown to reopen discovery).

7 Therefore, IT IS HEREBY ORDERED that, Plaintiff's Motion for Reconsideration is
8 DENIED.

9 IT IS SO ORDERED.

10 Dated: February 12, 2015

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12 MORRISON C. ENGLAND, JR., CHIEF JUDGE
13 UNITED STATES DISTRICT COURT
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