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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WALTER HOWARD WHITE,
Plaintiff,
v.
D. SMYERS, et al.,
Defendants.

No. 2:12-cv-2868-MCE-AC-P

ORDER


In bringing the present Motion for Reconsideration, Plaintiff Walter Howard White (“Plaintiff”) asks this Court to reverse the Magistrate Judge’s July 14, 2015 Order (ECF No. 153) which adjudicated requests in this matter made by both Plaintiff and Defendants. With respect to Plaintiff, the Order, *inter alia*, 1) denied as moot Plaintiff’s most recent motion to stay proceedings (ECF No. 144); 2) denied Plaintiff’s motion for sanctions against the Deputy Attorney General (ECF No. 119); and 3) denied Plaintiff’s motion for a protective order denying his further deposition (ECF No. 119). As to Defendants, the Order 1) granted Defendant Pomazol’s request to propound further discovery requests on plaintiff (ECF No. 144); and granted various motions (ECF Nos. 93, 117) and requests (ECF No. 144-46 to extend discovery in this matter for a third and final time for purposes of reconvening Plaintiff’s deposition.

1 In reviewing a magistrate judge's determination, the assigned judge shall apply
2 the "clearly erroneous or contrary to law" standard of review set forth in Local Rule
3 303(f), as specifically authorized by Federal Rule of Civil Procedure 72(a) and 28 U.S.C.
4 § 636(b)(1)(A).¹ Under this standard, the Court must accept the Magistrate Judge's
5 decision unless it has a "definite and firm conviction that a mistake has been committed."
6 Concrete Pipe & Prods. of Cal., Inc. v. Constr. Laborers Pension Trust for So. Cal., 508
7 U.S. 602, 622 (1993). If the Court believes the conclusions reached by the Magistrate
8 Judge were at least plausible, after considering the record in its entirety, the Court will
9 not reverse even if convinced that it would have weighed the evidence differently.
10 Phoenix Eng. & Supply Inc. v. Universal Elec. Co., Inc., 104 F.3d 1137, 1141 (9th Cir.
11 1997).

12 After reviewing the entire file, this Court cannot say that the Magistrate Judge's
13 decision outlined above were clearly erroneous. The Magistrate Judge's decision
14 carefully weighed the competing concerns in this matter and offered a well-reasoned
15 rationale for the determinations made therein. The Magistrate Judge correctly noted, for
16 example, that Plaintiff's stay request pending receipt of his legal materials was mooted
17 by his demonstrated current ability to draft and file legal documents in this action. Nor
18 can this Court determine that the Magistrate Judge's finding authorizing Plaintiff's
19 continued deposition and other discovery was clearly erroneous, since Plaintiff must to
20 fully participate in the discovery process that he initiated in filing this lawsuit. Plaintiff's
21 Motion for Reconsideration (ECF No. 173) is accordingly DENIED.

22 IT IS SO ORDERED.

23 Dated: February 2, 2016

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25 _____
26 MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

27 ¹ Federal Rule of Civil Procedure 72(a) directs the district court judge to "modify or set aside any
28 portion of the magistrate judge's order found to be clearly erroneous or contrary to law." Similarly, under
28 U.S.C. § 636(b)(1)(A), the district judge may reconsider any pretrial order "where it is shown that the
magistrate's order is clearly erroneous or contrary to law."