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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 (ECF No. 157), Plaintiff Walter Howard White (“Plaintiff”) asks this Court to reverse the Magistrate Judge’s April 16, 2015 Order (ECF No. 126) which adjudicated various requests in this matter made by both Plaintiff and Defendants. Said Order made numerous findings, and included rulings that 1) granted in part and denied in part Defendants’ protective order requests as to 71 of Plaintiff’s 99 document production requests, 2) granted in part and denied in part Plaintiff’s request for issuance of 10 subpoena duces tecum; 3) denied Plaintiff’s previously rejected request to file a Second Amended Complaint; and 4) denied Plaintiff’s request for appointment of counsel.¹ The Order further admonished Plaintiff

¹ While Plaintiff argues that his May 10, 2015 stay request was never adjudicated, the Magistrate Judge’s July 14, 2015 Order (ECF No. 153) denied Plaintiff’s May 18, 2015 request in that regard (ECF No. 143).


1 from filing excessive documents that have unduly encumbered the action and consumed
2 an inordinate amount of the court's limited resources.

3 In reviewing a magistrate judge's determination, the assigned judge shall apply
4 the "clearly erroneous or contrary to law" standard of review set forth in Local Rule
5 303(f), as specifically authorized by Federal Rule of Civil Procedure 72(a) and 28 U.S.C.
6 § 636(b)(1)(A).² Under this standard, the Court must accept the Magistrate Judge's
7 decision unless it has a "definite and firm conviction that a mistake has been committed."
8 Concrete Pipe & Prods. of Cal., Inc. v. Constr. Laborers Pension Trust for So. Cal., 508
9 U.S. 602, 622 (1993). If the Court believes the conclusions reached by the Magistrate
10 Judge were at least plausible, after considering the record in its entirety, the Court will
11 not reverse even if convinced that it would have weighed the evidence differently.
12 Phoenix Eng. & Supply Inc. v. Universal Elec. Co., Inc., 104 F.3d 1137, 1141 (9th Cir.
13 1997).

14 After reviewing the entire file, this Court cannot say that the Magistrate Judge's
15 decision outlined above were clearly erroneous. As the Court already noted with respect
16 to Plaintiff's additional reconsideration request (see Order, ECF No. 179, filed February
17 4, 2016) the Magistrate Judge's decision carefully weighed the competing concerns in
18 this matter and offered a well-reasoned rationale for the determinations made therein.
19 Plaintiff's Motion for Reconsideration (ECF No. 157) is accordingly DENIED.

20 IT IS SO ORDERED.

21 Dated: March 7, 2016

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

27 ² 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."