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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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

No. 2:12-cv-02868-MCE-AC-P

ORDER

On December 16, 2014, the magistrate judge issued an order denying as moot Plaintiff Walter Howard White’s (“Plaintiff”) motion for a sixty-day extension of discovery deadlines. See ECF No. 78. Before the Court is Plaintiff’s Motion for Reconsideration, ECF No. 82. For the following reasons, the Motion is GRANTED.

Pursuant to E.D. Local Rule 303(f), a magistrate judge’s orders shall be upheld unless “clearly erroneous or contrary to law.” Id. On October 6, 2014, Plaintiff requested an extension of discovery deadlines. ECF No. 65. The magistrate judge granted the request on October 14, 2014, and the discovery period was extended by sixty (60) days. ECF No. 68 at 7. Consequently, the parties had until December 2, 2014, to serve any requests for discovery pursuant to Fed. R. Civ. P. 31, 33, 34, or 36, and until February 2, 2015, to serve discovery responses. On December 5, 2014, Plaintiff requested a second sixty-day extension of discovery deadlines. ECF No. 77. On December 17,

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2014, the magistrate judge denied the request as moot on the grounds that the Court had previously allowed the parties to “conduct discovery until February 2, 2015.” ECF No. 78 at 1. However, a review of Plaintiff’s second request clearly demonstrates that he was requesting an extension of the deadline to propound additional discovery requests beyond the December 2, 2014, deadline. ECF No. 77 at 26-27.

Accordingly, Plaintiff’s request was not moot and his Motion for Reconsideration, ECF No. 82, is GRANTED. This case is referred to the magistrate judge for consideration of the merits of Plaintiff’s request.

IT IS SO ORDERED.

Dated: January 26, 2015


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