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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEENAN WILKINS,
Plaintiff,
v.
JEFF MACOMBER,
Defendant.

No. 2:16-cv-00475-TLN-DMC

ORDER

This matter is before the Court on Plaintiff Keenan Wilkins’s (“Plaintiff”) Motion for Reconsideration (ECF No. 103), Motion for Extension of Time (ECF No. 104), Motion for Relief from Judgment (ECF No. 107), Motion for Sanctions (ECF No. 111), and Motion for Clarification (ECF No. 118). For the reasons set forth below, the Court DENIES Plaintiff’s motions.

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to the Court’s local rules. On March 15, 2023, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. On March 31, 2023, the Court adopted in full the findings and recommendations, entered judgment in Defendants’ favor, and closed the case. (ECF No. 101.) That same day, Plaintiff’s motion for reconsideration (ECF No. 103) and motion for extension of

1 time to file an amended complaint (ECF No. 104) were filed on the docket. Both documents are
2 dated March 28, 2023. On April 3, 2023, Plaintiff's objections to the findings and
3 recommendations were docketed, which are dated March 29, 2023. (ECF No. 105.) On April 14,
4 2023, Plaintiff filed a motion for relief from judgment, arguing that in adopting the findings and
5 recommendations, the Court incorrectly stated that no objections had been filed. (ECF No. 107.)
6 On April 20, 2023, Plaintiff filed a motion for sanctions. (ECF No. 111.) On May 26, 2023,
7 Plaintiff filed a motion for clarification. (ECF No. 118.)

8 The Court construes Plaintiff's motion for reconsideration (ECF No. 103) and motion for
9 extension of time to file an amended complaint (ECF No. 104) as objections to the findings and
10 recommendations as they were filed before the Court adopted the findings and recommendations.¹
11 The Court has considered those filings, including the objections filed on April 3, 2023 (ECF No.
12 105), and the responses thereto. Accordingly, the Court has conducted a de novo review of this
13 case. Having carefully reviewed the entire file, the Court again finds the findings and
14 recommendations to be supported by the record and by proper analysis.

15 Therefore, the Court DENIES Plaintiff's motions as follows:

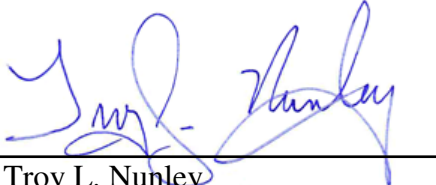
- 16 1. The Court DENIES Plaintiff's Motion for Reconsideration (ECF No. 103);
- 17 2. The Court DENIES Motion for Extension of Time to File an Amended Complaint
18 (ECF No. 104);
- 19 3. The Court DENIES Plaintiff's Motion for Relief from Judgment (ECF No. 107) as
20 moot;
- 21 4. The Court DENIES Plaintiff's Motion for Sanctions as Plaintiff fails to persuade the
22 Court that Defendants engaged in misconduct warranting sanctions (ECF No. 111);
23 and

24
25 ¹ Even if the Court construes the latter motion to be a motion for leave to file an amended
26 complaint pursuant to Federal Rule of Civil Procedure 15, Plaintiff has not shown that leave to
27 amend is warranted. Plaintiff fails to adequately explain his extreme delay in seeking leave to
28 amend and amending the complaint at this late stage would severely prejudice Defendants
considering that this case was initiated in 2016, discovery has been closed for nearly two years,
and Plaintiff did not seek leave to amend until he faced dismissal of his case on summary
judgment.

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5. The Court DENIES Plaintiff's Motion for Clarification (ECF No. 118) as moot.
IT IS SO ORDERED.

DATE: June 7, 2023



Troy L. Nunley
United States District Judge