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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WONDIYRAD KABEDE,
Plaintiff,
v.
GARY BROWN, et al.,
Defendants.

No. 2:16-cv-1765 JAM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 22, 2017, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. On March 13, 2017, plaintiff filed objections to the findings and recommendations.

Also on February 22, 2017, the magistrate judge issued an order which, among other things, dismissed plaintiff’s complaint with leave to file an amended complaint. In his objections, plaintiff also disputes the basis for the magistrate judge’s dismissal of his complaint. This court will construe plaintiff’s March 13 filing as both an objection to the magistrate judge’s recommended denial of plaintiff’s request for an injunction and as a motion for reconsideration of

1 the magistrate judge's dismissal of the complaint.

2 Pursuant to Local Rule 230(j), the court will reconsider an order based upon a showing (1)
3 that new or different facts or circumstances exist which did not exist or were not shown in the
4 prior motion, or that other grounds exist for the motion; and (2) why the facts or circumstances
5 were not shown at the time of the prior motion. The court has reviewed plaintiff's March 13,
6 2017 filing and finds it does not support reconsideration of the magistrate judge's February 22,
7 2017 order dismissing the complaint with leave to amend.

8 With respect to plaintiff's objections to the magistrate judge's recommendation that
9 plaintiff's Motion to Order Physical and Mental Exam be denied, in accordance with the
10 provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo
11 review of this case. Having carefully reviewed the entire file, the court finds the findings and
12 recommendations to be supported by the record and by proper analysis.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff's motion for reconsideration (ECF No. 12) of the magistrate judge's order
15 dismissing the complaint is denied;
- 16 2. Within thirty days of the date of this order, plaintiff shall file a first amended
17 complaint as described in the magistrate judge's February 22, 2017 order;
- 18 3. The findings and recommendations filed February 22, 2017 (ECF No. 9) are adopted
19 in full; and
- 20 4. Plaintiff's Motion to Order Physical and Mental Exam (ECF No. 5) is denied.

21 DATED: April 19, 2017

22 /s/ John A. Mendez

23 UNITED STATES DISTRICT COURT JUDGE
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