1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2: 18-cv-0560 JAM KJN P JOHN McCLINTOCK, 12 Plaintiff, 13 **ORDER** v. 14 T. COOPER, et al., 15 Defendants. 16 17 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 18 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On October 12, 2021, the magistrate judge filed findings and recommendations 21 recommending that defendants' motion for terminating sanctions be denied. (ECF No. 116.) 22 These findings and recommendations were served on all parties and contained notice to all parties 23 that any objections to the findings and recommendations were to be filed within fourteen days. 24 (Id.) Neither party has filed objections to the findings and recommendations. 25 The court has reviewed the file and finds the findings and recommendations to be 26 supported by the record and by the magistrate judge's analysis. 27 On October 12, 2021, the magistrate judge also denied plaintiff's motion for sanctions. 28 (<u>Id.</u>) On October 28, 2021, plaintiff filed objections to the October 12, 2021 order denying his 1

motions for sanctions. (ECF No. 117.) The court construes plaintiff's objections as a request for reconsideration. Pursuant to E.D. Local Rule 303(f), a magistrate judge's orders shall be upheld unless "clearly erroneous or contrary to law." Id. Upon review of the entire file, the court finds that it does not appear that the magistrate judge's ruling denying plaintiff's motion for sanctions was clearly erroneous or contrary to law. Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed October 12, 2021 are **ADOPTED** in full; 2. Defendants' motion for terminating sanctions (ECF No. 109) is **DENIED** without prejudice; and 3. Upon reconsideration, the order of the magistrate judge filed October 12, 2021, denying plaintiff's motion for sanctions, is **AFFIRMED**. Dated: November 22, 2021 /s/ John A. Mendez THE HONORABLE JOHN A. MENDEZ UNITED STATES DISTRICT COURT JUDGE Mc560.jo