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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SONIA MAREE MILLER,

Plaintiff,

v.

SACRAMENTO CITY UNIFIED
SCHOOL DISTRICT, et al.,

Defendants.

No. 2:21-cv-0757-JAM-CKD PS

ORDER

(ECF Nos. 14, 15)

On August 11, 2021, the magistrate judge filed an order and findings and recommendations denying plaintiff’s request for e-filing privileges and recommending that plaintiff’s motion for default judgment be denied. (ECF No. 14.) On August 24, 2021, plaintiff filed objections to both the order and the findings and recommendations (ECF No. 15), which have been considered by the court.

In reviewing findings and recommendations on a dispositive motion, this court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the matter on the applicable law. See Orand v. United States,

1 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de
2 novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

3 When presented with a timely objection to a magistrate judge’s order on a non-dispositive
4 matter, the court must consider the objections and “modify or set aside any part of the order that
5 is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a); see also 28 U.S.C.
6 § 636(b)(1)(A) (“A judge of the court may reconsider any pretrial matter under this subparagraph
7 (A) where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to
8 law.”); Grimes v. City & Cty. of San Francisco, 951 F.2d 236, 240 (9th Cir. 1991) (“The district
9 court shall defer to the magistrate’s orders unless they are clearly erroneous or contrary to law.”).

10 The court has reviewed the applicable legal standards and, good cause appearing,
11 concludes that it is appropriate to affirm the Magistrate Judge Delaney’s order denying plaintiff
12 e-filing privileges at this time, and to adopt the findings and recommendations in full.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Magistrate Judge Delaney’s order denying plaintiff’s request for e-filing privileges
15 (ECF Nos. 13, 14) is AFFIRMED;
- 16 2. The magistrate judge’s accompanying findings and recommendations (ECF No. 14)
17 are ADOPTED IN FULL;
- 18 3. Plaintiff’s motion for default judgment (ECF No. 13) is DENIED; and
- 19 4. The case is referred again to the magistrate judge for further proceedings.

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22 Dated: October 14, 2021

/s/ John A. Mendez

23 THE HONORABLE JOHN A. MENDEZ
24 UNITED STATES DISTRICT COURT JUDGE