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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD T. FURNACE,

Plaintiff,

v.

K. KNUCKLES, et al.,

Defendants.

No. C 09-6075 MMC

**ORDER DENYING WITHOUT  
PREJUDICE MOTION FOR RELIEF  
FROM NONDISPOSITIVE PRETRIAL  
ORDER OF MAGISTRATE JUDGE**

Before the Court is the “Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge,” filed May 18, 2015, by the California Department of Corrections and Rehabilitation (“CDCR”), pursuant to Civil Local Rule 72-2. Having considered the papers filed in support of the motion,<sup>1</sup> the Court rules as follows.

By its motion, CDCR seeks relief from an order issued by Magistrate Judge Elizabeth D. Laporte,<sup>2</sup> requiring CDCR to produce, *inter alia*, (1) “documents relating to [p]laintiff contained in third party internal affairs files”; (2) “limited portions of the [facility]

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<sup>1</sup>The Court did not order a response from plaintiff. See Civil L.R. 72-2 (providing “[u]nless otherwise ordered by the assigned District Judge, no response need be filed and no hearing will be held concerning the motion”).

<sup>2</sup>The above-titled matter has been referred to Magistrate Judge Laporte for all discovery disputes. (See Order Referring Discovery Matters to Magistrate Judge, filed April 5, 2012.)

1 map [that] are relevant to [p]laintiff[s] claims”; and (3) “protocols for responding to alarms”  
2 (see Order Regarding Outstanding Issues, filed April 23, 2015 (“Order”) at 5, 8, 9). The  
3 motion, however, is based on evidence not presented to the Magistrate Judge, which  
4 evidence, according to CDCR, has become relevant after the Order was issued.

5 Accordingly, CDCR’s motion is hereby DENIED, without prejudice to CDCR’s  
6 submitting to Magistrate Judge Laporte a motion for leave to file a motion for  
7 reconsideration, see Civil L.R. 7-9(b), or any other appropriate filing seeking  
8 reconsideration of the subject order.

9 **IT IS SO ORDERED.**

10 Dated: May 21, 2015

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12 MAXINE M. CHESNEY  
13 United States District Judge