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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES ELLIS JOHNSON,
Plaintiff,
v.
UNITED STATES OF AMERICA, et al.,
Defendants.

Case No. [13-cv-02405-JD](#)

ORDER ON PLAINTIFF'S MOTIONS

Re: Dkt. Nos. 120, 121, 127

INTRODUCTION

Plaintiff James Ellis Johnson, who is litigating this action pro se, has asked the Court for various relief in several motions. *See* Dkt. Nos. 120, 121, and 127. These motions are appropriate for disposition without oral argument under Civil Local Rule 7-1(b).

I. Motion Requesting To Have Security Personnel Removed From the Courtroom

Mr. Johnson asks that the Court remove the “federal police with there [*sic*] guns from the courtroom” as “there presents [*sic*] shows a prejudgment on the part of the Court.” Dkt. No. 120 at 2. The request is frivolous and is denied. U.S. Marshal and Courtroom Security Officer personnel are responsible for ensuring the safety and security of federal courtrooms and courthouses. Their presence is routine. Mr. Johnson has not proffered any facts or identified any reason that even remotely supports his request. This is not an invitation for additional briefing on this issue, and the Court instructs Mr. Johnson not to submit any more motions, requests for reconsideration or any other briefing on this issue.

II. Motion Regarding Reconsideration

Mr. Johnson seeks reconsideration of the Court’s Order dated June 12, 2014, (Dkt. No. 118), under California Code of Civil Procedure § 1008(a). Dkt. No. 121. That order denied Mr.

1 Johnson’s prior request for reconsideration. *See* Dkt. No. 118. Reconsideration is denied. *Id.*

2 To obtain reconsideration, the moving party must show: (1) “a material difference in fact
3 or law exists from that which was presented to the Court before entry of the interlocutory order for
4 which reconsideration is sought;” (2) “[t]he emergence of new material facts or a change of law
5 occurring after the time of such order;” or (3) “manifest failure by the Court to consider material
6 facts or dispositive legal arguments which were presented to the Court before such interlocutory
7 order.” Civ. L.R. 7-9(b).

8 Mr. Johnson does not satisfy any of these threshold showings. He does not point to a
9 subsequent change in fact or law, or a failure by the Court to consider facts or arguments
10 previously presented. While Mr. Johnson disagrees with the Court’s ruling on the United States
11 and the City and County of San Francisco’s motions to dismiss, a motion for reconsideration may
12 not be brought “merely because Plaintiff is unhappy with the judgment . . . or because he disagrees
13 with the ultimate decision.” *Bridgeman v. Peralta*, No. 11-2132 WQH, 2011 WL 5830427, at *1
14 (S.D. Nov. 18, 2011). The Court directs Mr. Johnson not to file any further briefs or submissions
15 on this issue.

16 **III. Motion To Deny Deposition**

17 Mr. Johnson asks that the Court “deny” defendant the United States’ notice to depose him.
18 Dkt. No. 127. The request is denied. The Court reminds Mr. Johnson that his filings must comply
19 with this Court’s standing orders. The Court’s Standing Order for Discovery In Civil Cases
20 provides that all discovery disputes -- which includes any disputes about depositions -- must be
21 raised with the Court in a letter no longer than three pages, which may be filed only after the
22 parties have met and conferred in person. Mr. Johnson must comply with the Court’s standing
23 orders while appearing pro se.

24 The United States is entitled under the Federal Rules of Civil Procedure to take Mr.
25 Johnson’s deposition, so the motion is denied. *See* Fed. R. Civ. P. 30(a)(1). Under Civil Local
26 Rule 30-1, the United States must “confer about the scheduling of the deposition with opposing
27 counsel or, if the party is pro se, the party.” The Court’s Standing Order imposes the same
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1 obligation. The Court expects the United States to confer with Mr. Johnson to determine a date
2 for his deposition that comports with his recovery from surgery.

3 **IT IS SO ORDERED.**

4 Dated: August 4, 2014

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7 JAMES DONATO
8 United States District Judge

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 8/4/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Ellis Johnson
1819 Golden Gate Avenue, #12
San Francisco, CA 94115

Dated: 8/4/2014

Richard W. Wieking
Clerk, United States District Court

By: *Lisa R. Clark*
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO