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6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 OAKLAND DIVISION

9
10 CARL MONROE,

11 Plaintiff,

12 vs.

13 REID LAYNE STEINFELD,

14 Defendant.

Case No: C 11-2726 SBA

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION; and ORDER
OF REFERENCE**

Dkt. 13, 17, 19 and 20

15 The Court previously referred Plaintiff's motion for default judgment to the Chief
16 Magistrate Judge or her designee for preparation of a report and recommendation. Dkt. 14.
17 On November 28, 2011, Magistrate Judge Ryu recommended denying the motion for
18 default judgment. Dkt. 17. Plaintiff did not object to the report and recommendation, and
19 the time for doing so has now passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a);
20 N.D. Civ. L.R. 72-2.

21 On December 16, 2011, Plaintiff filed an Amended Complaint, Dkt. 18, and shortly
22 thereafter, filed a motion for reconsideration of Magistrate Judge Ryu's report and
23 recommendation, Dkt. 19. In addition, Plaintiff has requested that the Court continue the
24 Case Management Conference scheduled for January 12, 2012 pending resolution of his
25 motion for default judgment and motion for reconsideration.

26 Plaintiff's motion for reconsideration is improper. Before filing such a motion, a
27 party must first seek leave to file a motion for reconsideration in accordance with Civil
28 Local Rule 7-9. Since leave to file a motion for reconsideration was neither sought nor

1 granted, Plaintiff's motion for reconsideration is subject to denial. Grove v. Wells Fargo
2 Fin. Cal., Inc., 606 F.3d 577, 582 (9th Cir. 2010) (upholding district court's denial of
3 motion to tax costs which was not in compliance with the court's local rules). In any event,
4 given Plaintiff's decision to file an Amended Complaint, the appropriate course of action
5 was for him to have filed a renewed motion for default judgment, not a motion for
6 reconsideration. Accordingly,

7 IT IS HEREBY ORDERED THAT:

8 1. Plaintiff's motion for reconsideration is DENIED.

9 2. Magistrate Judge Ryu's report and recommendation issued on November 28,
10 2011 shall become the Order of this Court. Plaintiff's motion for default judgment is
11 therefore DENIED.

12 3. Plaintiff is granted leave to file a renewed motion for default judgment, which
13 is REFERRED to Magistrate Judge Ryu for preparation of a report and recommendation.
14 Plaintiff shall file his renewed motion within seven (7) days of the date this Order is filed.

15 4. Plaintiff's request to continue the Case Management Conference scheduled
16 for January 12, 2012 is GRANTED. The telephonic Case Management Conference
17 scheduled for January 12, 2012 is CONTINUED to **March 29, 2012 at 3:15 p.m.** Prior to
18 the date scheduled for the conference, the parties shall meet and confer and prepare a joint
19 Case Management Conference Statement. Plaintiff is responsible for filing joint statement
20 no less than seven (7) days prior to the conference date. The joint statement shall comply
21 with the Standing Order for All Judges of the Northern District of California and the
22 Standing Orders of this Court. Plaintiff is responsible for setting up the conference call,
23 and on the specified date and time, shall call (510) 637-3559 with all parties on the line.

24 5. This Order terminates Docket 13, 17, 19 and 20.

25 IT IS SO ORDERED.

26 Dated: January 10, 2012

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SAUNDRA BROWN ARMSTRONG
United States District Judge