

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BESSIE LEE-FREITAS PREGANA;
BRIAN JOSEPH PREGANA, SR.,

Plaintiffs,

vs.

CITIMORTGAGE, INC.; STEVEN T.
IWAMURA; ROBERT M. EHRHORN,
JR.; KEN OHARA; LORI K. STIBB,

Defendants.

CIVIL NO. 14-00226 DKW-KSC

**ORDER GRANTING IN PART AND
DENYING IN PART
PLAINTIFFS' MOTION FOR
RECONSIDERATION**

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION FOR RECONSIDERATION**

On June 12, 2014, the Court entered an order dismissing the case without prejudice for failure to pay the filing fee. At the time the Court entered the June 12, 2014 Order, the court docket did not reflect Plaintiffs' payment of the filing fee, as directed in an earlier May 20, 2014 Order. On June 16, 2014, Plaintiffs filed a Motion for Reconsideration of Order Dismissing Case, stating that they paid the filing fee on June 2, 2014. Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing.

At the time Plaintiffs filed the Motion for Reconsideration on June 16, 2014, the court docket still did not reflect Plaintiffs' payment of the filing fee. Given Plaintiffs representation to the contrary, however, the Court inquired with the Clerk of Court, and learned that, due to an inadvertent error, Plaintiffs' payment of the filing fee on June 2, 2014 was not recorded in the court docket. After the filing of Plaintiffs' Motion for Reconsideration, the Clerk of Court corrected the record to reflect payment of the filing fee on June 2, 2014. Accordingly, the Court hereby grants in part the Motion for Reconsideration and orders the judgment vacated and the case reopened. *See White v. Sabatino*, 424 F. Supp. 2d 1271, 1274 (D. Haw. 2006).

To the extent Plaintiffs seek recusal of the undersigned, the request is denied. In light of the above, there is no basis for disqualification as a reasonable person with knowledge of all the facts would not conclude that the Court's

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impartiality might reasonably be questioned. *See* 28 U.S.C. § 455; *Pesnell v. Arsenault*, 543 F.3d 1038, 1043 (9th Cir. 2008).

IT IS SO ORDERED.

DATED: June 17, 2014 at Honolulu, Hawai'i.




Derrick K. Watson
United States District Judge

Pregana v. CitiMortgage, et al.; Civ No. 14-00226 DKW-KSC; ORDER
GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR
RECONSIDERATION