UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD G. TURAY,

Plaintiffs,

v.

STATE OF WASHINGTON DEPARTMENT OF SOCIAL HEALTH SERVICES, et al,

Defendants.

Case No. C10-5533JB/JRC

ORDER ADOPTING A REPORT AND RECOMMENDATION AND DENYING MOTION FOR RECONSIDERATION

This matter comes before the Court on the Report and Recommendation of Magistrate Judge J. Richard Creatura (Dkt. 7), Plaintiff's Objections to the Report and Recommendation (Dkt. 10), and Plaintiff's Motion for Reconsideration of order Denying Motion for Reconsideration of Order Denying Motion to Appoint Counsel (Dkt.13).

On July 29, 2010, Plaintiff filed this case pursuant to 42 U.S.C. § 1983. Dkt. 1. The Report and Recommendation recommends denial of Plaintiff's motion for a temporary restraining order. Dkt. 7. On September 9, 2010, Plaintiff filed a pleading entitled "Motion for Reconsideration of Granting Temporary Restraining Order." Dkt. 10. In this pleading, Plaintiff objects to the Report and Recommendation, restating the arguments in his initial pleading. Dkt. 10. For the reasons stated in the Report and Recommendation, Plaintiff's motion for temporary restraining order should be denied and the Report and Recommendation adopted.

Plaintiff additionally moves for reconsideration of the order denying his motion for reconsideration of his motion for appointment of counsel (Dkt. 11). Dkt. 13.

Fed. R. Civ. P. 72 (a) provides that "[w]hen a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision." Rule 72(a), further provides that "the district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." Further, pursuant to Western District of Washington Local Fed. R. Civ. P. 7(h), "Motions for reconsideration are disfavored. The Court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence."

Plaintiff makes no showing that the prior order denying the motion for reconsideration of the order denying the motion to appoint counsel (Dkt. 11) is "clearly erroneous or is contrary to law." Moreover, Plaintiff has failed to show a "manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." Plaintiff's motion for reconsideration (Dkt. 13) should be denied.

The Court does hereby find and **ORDER**:

1. The Court **ADOPTS** the Report and Recommendation (Dkt.7);

2. Plaintiff's Motion for a Temporary Restraining Order (Dkt. 3) is **DENIED;**

3. Plaintiff's Motion for Reconsideration (Dkt. 13) is **DENIED**, and the Order Denying Motion for Reconsideration of Order Denying Motion to Appoint Counsel is (Dkt. 11) **AFFIRMED**.

The Clerk is directed to send copies of this Order to plaintiffs, and to the Hon. J. Richard Creatura.

DATED this 12th day of October,2010.

ROBERT J. BRYAN
United States District Judge