



(PC) Harrington v. Bautista et al

2016 | Cited 0 times | E.D. California | January 27, 2016

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

Plaintiff Garrick Harrington is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. January 13, 2016, order, denying his request for recusal of the assigned magistrate judge. Reconsideration motions are committed to the discretion of the trial court. *Rodgers v. Watt*, 711 F.2d 456, 460 (9th Cir. 1983); *Combs v. Nick Garin Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). A party seeking reconsideration must set forth facts or law of a strongly convincing nature to induce the court to reverse a prior decision. See, e.g., *Kern-Tulare Water Dist. v. City of Bakersfield*, (9th Cir. 1987).

/// /// GARRICK HARRINGTON, Plaintiff, v. J. BAUTISTA, et al., Defendants.

Case No.: 1:10-cv-01802-LJO-SAB (PC)

FOR RECONSIDERATION OF RECUSAL OF ASSIGNED MAGISTRATE JUDGE [ECF No. 89] 1 2
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This eral Rule of Civil

Procedure 72(a). As such, the court may only set aside those portio that are either clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); see also *Grimes v. City and County of San Francisco*, 951 F.2d 236, 240 (9th Cir.1991) (discovery sanctions are non-dispositive pretrial matters that are reviewed for clear error under Fed. R. Civ. P. 72(a)). the definite and firm conviction that a mistake has been committed. *Security Farms v. International*

Bhd. of Teamsters, 124 F.3d 999, 1014 (9th Cir. 1997); *Green v. Baca*, 219 F.R.D. 485, 489 (C.D. Cal. Concrete Pipe and Products of California, Inc. v. Construction Laborers Pension Trust for Southern California, 508 U.S. 602, 623 (1993).

determinations by the magistrate judge. See *Haines v. Liggett Group, Inc.*, 975 F.2d 81, 91 (3rd Cir.1992); *Green*, 219 F.R.D. at 489; see also *Osband v. Woodford*, 290 F.3d 1036, 1041 (9th Cir.



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Knutson v. Blue Cross & Blue Shield of Minn., 254 F.R.D. 553, 556 (D. Minn. 2008); Rathgaber v. Town of Oyster Bay, 492 F.Supp.2d 130, 137 (E.D.N.Y. 2007); Surles v. Air France, 210 F.Supp.2d 501, 502 (S.D.N.Y. 2001); Adolph Coors Co. v. Wallace, 570 F.Supp. 202, 205 (N.D. Cal. 1983).

rulings made during the course of the proceedings. Toth v. Trans World Airlines, Inc., 862 F.2d 1381, Mayes v. Leipziger n for recusal is based on his disagreement with rulings made during the course of these (ECF No. 88, Order at 3.) ary 13, 2016, order, Plaintiff continues to 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

repeat the same allegations relating to his medical condition and limited access to resources as the basis to further extend the time to file an opposition. Plaintiff has failed to demonstrate with sufficient factual detail extraordinary circumstances, given the prior grant of four extensions of time, that Id. at 2.) Furthermore, Plaintiff has had over four months to file an opposition to the pending motions for summary judgment, and the Magistrate Judge noted that the failure to file a timely opposition will result in the matter being Id. at 3.) Instead of focusing his attention on filing an opposition, Plaintiff has filed the instant motion for reconsideration, and for the reasons stated herein the motion must be denied. A order motions for summary judgment would be deemed submitted as of January 27, 2016 (fourteen days

from the date of service of the January 13, 2016, order). Plaintiff is granted until February 8, 2016, to file an opposition to the pending motions for summary judgment. No further motions will be entertained and the motions for summary judgment will be deemed submitted for review after this date.

judgment is due on or before February 8, 2016, after which time the motions will be deemed submitted for review. IT IS SO ORDERED. Dated: January 27, 2016 /s/ UNITED STATES DISTRICT JUDGE

