

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUBEN DARIO GARCIA, JR.,

Plaintiff,

v.

A. CHANDRA, et al.,

Defendants.

No. 2:22-cv-01221-TLN-CSK

ORDER

This matter is before the Court on pro se Plaintiff Ruben Dario Garcia, Jr.’s (“Plaintiff”) Motion for Reconsideration of the assigned magistrate judge’s September 12, 2025 order. (ECF No. 70.) For the reasons set forth below, the Court DENIES Plaintiff’s motion.

I. FACTUAL AND PROCEDURAL BACKGROUND

The general facts of this case are known to both parties. Relevant here, Plaintiff filed a motion to compel Defendant J. Quiring (“Quiring”) to provide a further response to Plaintiff’s Request for Production of Documents, Set Two (“RPD”) No. 4. (ECF No. 53). In response to Plaintiff’s RPD No. 4, Quiring objected and stated if a responsive document could be found, it would be promptly produced and if it could not be located, Quiring would amend his response accordingly. (ECF No. 55 at 2.) In ruling on Plaintiff’s motion, the magistrate judge overruled Quiring’s objections and ordered Quiring to search for and produce the responsive document

1 within thirty days. (ECF No. 62 at 5–6.) If the document could not be located, Quiring was
2 directed to file a supplemental response describing the failed efforts to locate the responsive
3 document. (*Id.* at 6.) Quiring filed a supplemental response. (ECF No. 65 at 7–9.)

4 On July 28, 2025, Plaintiff again filed a motion to compel Quiring to provide a further
5 response to RPD No. 4. (*See generally id.*) Quiring filed an opposition and Plaintiff filed a reply.
6 (ECF Nos. 66, 67.) On September 12, 2025, the magistrate judge denied Plaintiff’s motions to
7 compel. (ECF No. 70.) Plaintiff now seeks reconsideration of this September 12, 2025 order.
8 (ECF No. 71.)

9 II. STANDARD OF LAW

10 A party may object to a non-dispositive pretrial order of a magistrate judge within
11 fourteen days after service of the order. *See* Fed. R. Civ. P. 72(a). The magistrate judge’s order
12 will be upheld unless it is “clearly erroneous or contrary to law.” *Id.*; 28 U.S.C. § 636(b)(1)(A);
13 E.D. Cal. L.R. 303(f). “A party seeking reconsideration must set forth facts or law of a strongly
14 convincing nature to induce the court to reverse a prior decision.” *Martinez v. Lawless*, No. 1:12-
15 CV-01301-LJO-SKO, 2015 WL 5732549, at *1 (E.D. Cal. Sept. 29, 2015) (citing *Kern-Tulare*
16 *Water Dist. v. City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal. 1986), *aff’d in part and rev’d*
17 *in part on other grounds*, 828 F.2d 514 (9th Cir. 1987)).

18 Under the “clearly erroneous” standard, “the district court can overturn the magistrate
19 judge’s ruling only if the district court is left with the ‘definite and firm conviction that a mistake
20 has been committed.’” *E.E.O.C. v. Peters’ Bakery*, 301 F.R.D. 482, 484 (N.D. Cal. 2014)
21 (quoting *Burdick v. C.I.R.*, 979 F.2d 1369, 1370 (9th Cir. 1992)). “Thus, review under the
22 ‘clearly erroneous’ standard is significantly deferential.” *Concrete Pipe and Prods. of Cal., Inc.*
23 *v. Constr. Laborers Pension Tr. for S. Cal.*, 508 U.S. 602, 623 (1993). “A [m]agistrate [j]udge’s
24 decision is ‘contrary to law’ if it applies an incorrect legal standard, fails to consider an element
25 of applicable standard, or fails to apply or misapplies relevant statutes, case law, or rules of
26 procedure.” *Martin v. Loadholt*, No. 1:10-CV-00156-LJO-MJ, 2014 WL 3563312, at *1 (E.D.
27 Cal. July 18, 2014) (citation omitted).

28 ///

1 **III. ANALYSIS**

2 Plaintiff raises seven objections to the magistrate judge's September 12, 2025, order.
3 (ECF No. 71 at 4–15.) Plaintiff's first through fifth objections relate to the magistrate judge's
4 determination that Quiring's supplemental response was sufficient even though he failed to locate
5 the document. (ECF No. 71 at 4–8.) According to Plaintiff, because the magistrate judge
6 originally overruled Quiring's objections to RPD No. 4, when Quiring supplemented his
7 responses and still did not produce the document, the magistrate judge's decision to deny
8 Plaintiff's motion to compel was clearly erroneous and contrary to law. (*Id.*) Further, Plaintiff
9 argues the magistrate judge's decision ignored the fact that Quiring was required by law to have
10 the document Plaintiff sought and Quiring failed to support that he made a reasonable inquiry and
11 exercised due diligence in his attempt to locate the document. (*Id.* at 9–11.)

12 The Court disagrees. In Quiring's original response to Plaintiff's RPD No. 4, he stated
13 Defendants were still trying to locate the responsive document. (ECF No. 62 at 5.) The
14 magistrate judge determined this was an insufficient response and directed Quiring to search and
15 produce the responsive document but if the document was unable to be found, Quiring was
16 directed to file a discovery response describing the failed efforts to locate the document. (*Id.* at
17 5–6.) Upon reviewing Quiring's supplemental response, the magistrate judge concluded the
18 response sufficiently set forth the failed efforts to locate the document and determined the court
19 could not compel Quiring to produce a document that could not be located following a reasonable
20 inquiry and diligent search. (ECF No. 70 at 11–12.) This Court finds no reason to determine
21 otherwise. The Court notes however, that Quiring's inability to produce the document could be
22 relevant to future proceedings.

23 In Plaintiff's sixth and seventh objections, he takes issue with the magistrate judge's
24 statement that Plaintiff's requests to investigate why Quiring could not locate the document, hold
25 a hearing, and sanction Quiring were improperly raised in reply. (ECF No. 71 at 12.) According
26 to Plaintiff, because he is proceeding pro se, his filings should have been construed more
27 liberally. (*Id.* at 12–13.) Further, Plaintiff argues his requests are allowable and legally sound.
28 (*Id.* at 15–16 (citing *Asea, Inc. v. S. Pac. Transp. Co.*, 669 F.2d 1242, 1246 (9th Cir. 1981).)

1 The Court again finds no clear error or holding contrary to law. The magistrate judge
2 noted Plaintiff's requests were improperly raised in reply, but also found Plaintiff was not entitled
3 to the requests he sought even if properly raised. (ECF No. 70 at 12.) Again, for the reasons set
4 forth above, the Court agrees.

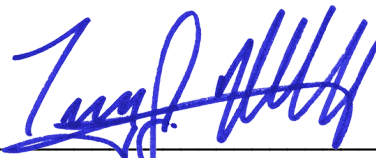
5 In sum, given the Court finds no clear error or holding contrary to law, the Court DENIES
6 Plaintiff's motion for reconsideration of the magistrate judge's September 12, 2025 order.

7 **IV. CONCLUSION**

8 Plaintiff's motion for reconsideration (ECF No. 71) is DENIED.

9 IT IS SO ORDERED.

10 Date: December 12, 2025

11
12
13 
14 TROY L. NUNLEY
15 CHIEF UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28