

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARD DRIVE PRODUCTIONS, INC.,

Plaintiff,
vs.

Civ. No. S-11-3074 KJM CKD

JOHN DOE,

ORDER

Defendant.

On January 11, 2012, the magistrate judge issued an order denying plaintiff's request for expedited discovery. Plaintiff has filed "objections" to that order, which the court construes as a request for reconsideration.

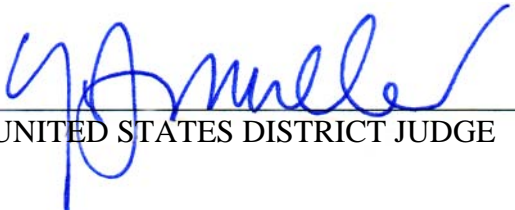
Under 28 U.S.C. § 636(b)(1)(A), this court evaluates a magistrate judge's resolution of a pretrial matter to determine whether it is clearly erroneous or contrary to law. *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1063 (9th Cir. 2004); *Morgan v. Doran*, 2007 WL 430722, at *4 (E.D. Cal. 2007).

After reviewing the record in this case, the court finds the magistrate judge's ultimate decision is not clearly erroneous or contrary to law. The magistrate judge properly applied the correct "good cause" standard in evaluating plaintiff's request for extensive expedited discovery. *Semitoool, Inc. v. Tokyo Electron America, Inc.*, 208 F.R.D. 273 (N.D. Cal.

2002); compare *Diabolic Video Productions, Inc. v. Does 1-2099*, 2011 WL 3100404 (N.D. Cal. May 31, 2011) (allowing discovery, unlike here, to identify a “Doe” defendant). This conclusion assumes without deciding that certain portions of the magistrate judge’s order are contrary to law, as plaintiff argues they are in light of development of the case law following changes to the Federal Rules of Civil Procedure. See Pl.’s Objections (ECF No. 10) at 4-7; cf. Finding and Recommendations (ECF No. 8) at 4:1-13, 20-23 & 5 n.1 (last sentence). Even with this assumption, and disregarding those portions of the findings and recommendations, the magistrate judge’s denial of plaintiff’s request should remain undisturbed.

IT IS THEREFORE ORDERED that plaintiff’s request for reconsideration (ECF No. 10) is denied

DATED: March 15, 2012.


UNITED STATES DISTRICT JUDGE