

FILED

SEP 09 2004

KOZINSKI, Circuit Judge, dissenting:

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

If Rangel-Rodriguez wished to appeal the magistrate judge's denial of his motion to the district court, he should have done so before the morning of trial. The district court did not abuse its discretion by refusing to reconsider the magistrate judge's decision at that late date.