

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANAATCHAFALAYA BASINKEEPER,  
INC., ET AL.

CIVIL ACTION

VERSUS

NO: 21-317

UNITED STATES ARMY CORPS OF  
ENGINEERS

SECTION: "A" (5)

**ORDER AND REASONS**

The following matter is before the Court: **Objection to Magistrate Judge Decision (Rec. Doc. 83)**, filed by Atchafalaya Basinkeeper Inc. ("Atchafalaya). The U.S. Army Corps of Engineers are oppose this objection. For the reasons that follow, the Objection to the Magistrate Judge Decision is DENIED.

Judge North's order was not clearly erroneous or contrary to law, nor was it an abuse of discretion, because the documents are outside the limited scope of discovery. According to FED. R. CIV. P. 72(a), this Court shall defer to the decision of a magistrate judge unless it finds that the magistrate judge's order was clearly erroneous or contrary to the law. This standard is considered to be extremely deferential to the magistrate judge. *Belcher v. Lopinto*, 2019 WL 5860744, \*1 (E.D. La. Nov. 8, 2019) (Milazzo, J.). Furthermore, discovery in FOIA actions, if allowed at all, is only allowed in limited form. *Van Mechelen v. U.S. Dep't of the Interior*, 2005 WL 3007121, \*5 (W.D. Wash. Nov. 9, 2005). This Court finds that 'Clearly Erroneous' means that "although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm


conviction that a mistake has been committed.” *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948).

Here, Judge North has been involved with the current discovery dispute since the dispute began. Judge North had the opportunity to review extensive briefing regarding the issues, oral argument on the issues, this Court’s Order granting limited discovery, and the discovery Plaintiffs submitted. **(Rec. Docs. 64, 72, 77 and 78.)** Giving Judge North the deference the law requires in light of his review of the Motion to Compel, this Court finds that Judge North’s decision to deny the motion was in no way contrary to law or fact, and was in fact correct and on point.

Accordingly;

**IT IS ORDERED** that the **Objection to Magistrate Judge Decision (Rec. Doc. 83)**, filed by Atchafalaya Basinkeeper Inc. (“Atchafalaya), is **DENIED**.

September 22, 2022

  
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JAY C. ZAINERY  
UNITED STATES DISTRICT JUDGE