

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

BRADLEY JOSEPH STEIGER,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:16cv893-MHT
)	(WO)
STATE ATT'Y GEN. LUTHER)	
STRANGE, et al.,)	
)	
Defendants.)	

ORDER

Now before the court are plaintiff's objections (Doc. 67), filed on June 23, 2021, to the United States Magistrate Judge's Order (Doc. 66) entered on May 27, 2021, which denied plaintiff's request to re-open this civil action.

Under Rule 72(a) of the Federal Rules of Civil Procedure, when a magistrate judge issues a written order on a non-dispositive motion, "[a] party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to."

Here, the court's order was mailed to Steiger on May 27, 2021. Assuming--quite generously--that it took a week for plaintiff to receive the order in the mail, his deadline to file objections to the magistrate judge's order expired on June 17, 2021.* Plaintiff, however, failed to file his objections within the time allowed by the Federal Rules of Civil Procedure. Therefore, the court finds plaintiff's objections untimely filed, and they are due to be overruled on this ground.

* When plaintiff filed the instant complaint, he was a state inmate. Since filing the complaint, plaintiff has been released from custody and is no longer serving a term of imprisonment (see Motion to Renew Complaint (Doc. 64) at 1) or supervised release (see *United States v. Steiger*, 2:00cr170-ECM (M.D. Ala.)). Therefore, the "mail box rule," which deems a *pro se* inmate's court document or other filing as having been filed the date it is delivered to prison officials for mailing (see *Houston v. Lack*, 487 U.S. 266, 271-272 (1988)), does not apply and, based on the date plaintiff signed his objections--June 18, 2021--would not apply even if plaintiff was incarcerated.

Accordingly, it is ORDERED that plaintiff's objections (Doc. 67) are overruled as untimely under Rule 72(a) of the Federal Rules of Civil Procedure.

This case remains closed in this court.

DONE, this the 28th day of June, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE