

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRISTOPHER LENARD PUGH, :

Plaintiff, :

vs. : **CIVIL ACTION 09-0016-KD-N**

OFFICER RICHARD DIX, et al, :

Defendants. :

ORDER

This action is before the Court on plaintiff Christopher Lenard Pugh’s motion for relief from final order pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure (Doc. 164). Upon consideration and for the reasons set forth herein, the motion is **DENIED**.

Previously, the Magistrate Judge recommended that Pugh’s motion for judgment on the pleadings be denied and defendants’ motion for summary judgment be granted. (Doc.128) The recommendation was adopted and final judgment entered. (Docs. 147, 148) Pugh moved the Court to alter or amend its decision. (Doc. 149) The motion was denied. (Doc. 150)

Pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure, a party may obtain relief from judgment when the “judgment is void.” Pugh argues that because the parties did not consent, the Magistrate Judge lacked or exceeded her authority and “committed jurisdictional error” by “entering final orders” on Pugh’s motions for contempt of court, motion for leave to amend his motion to strike, and motion for judgment on the pleadings. (Docs. 110, 111, 117, 118, 129, 130, 131(motions); docs. 113, 127, 135 (orders)) Pugh argues that because the Magistrate Judge lacked jurisdiction to enter these “final orders”, the report and recommendation based thereon, the order adopting the report and recommendation, the judgment, and the order

denying the motion to alter or amend are all void.¹

Pugh's motion is denied. The consent of the parties is not necessary for the Magistrate Judge to have jurisdiction and authority to enter final orders on pretrial matters or to submit a proposed finding of fact and recommendation. Instead, the district "judge may designate a magistrate judge to hear and determine any pretrial matter...", 28 U.S.C. § 636(b)(1)(A), and "may also designate a magistrate judge . . . to submit . . . [a] proposed findings of fact and recommendation for disposition" by a district judge of any motion for "judgment on the pleadings" or motion for "summary judgment". 28 U.S.C. § 636(b)(1)(B).

DONE this the 27th day of November, 2012.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

¹ Pugh also argues that his motion to reinstate appeal is "evidence to be considered along with this Rule 60 motion". (Doc. 164, p. 1) However, that motion has not been filed in this Court's docket.