

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

<b>BONNIDE JOHNSON, AIS #137457,</b>	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 12-00233-KD-N</b>
	)	
<b>LT. SHARON FOLKS, et al.,</b>	)	
<b>Defendants.</b>	)	

**ORDER**

This matter is before the Court on *pro se* Plaintiff's "Interlocutory Appeal from Magistrate Order Denying Motion to Compel[] Discovery." (Doc. 27).

Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure, in reviewing a Magistrate Judge's order on a nondispositive matter, "[t]he district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." A Magistrate Judge's pretrial rulings are final decisions which are not subject to a *de novo* determination. See, e.g., Merritt v. International Broth. of Boilermakers, 649 F.2d 1013, 1017 (5<sup>th</sup> Cir. 1981); Featherston v. Metropolitan Life Ins. Co., 223 F.R.D. 647, 650-651 (N.D. Fla. 2004). Instead, such rulings are subject to a "clearly erroneous or contrary to law" standard which is "extremely deferential." See 28 U.S.C. § 636(b)(1)(A); Rule 72(a); S.D.Ala. LR 72.3(c); Pigott v. Sanibel Dev., LLC, 2008 WL 2937804, \*5 (S.D. Ala. Jul. 23, 2008).

Plaintiff contends that the Magistrate Judge's ruling was "rushed" as it was issued "before Plaintiff could offer his response," and requests that this Court reverse the ruling and "allow discovery to proceed so that plaintiff may obtain the documents that would enable him to adequately (i.e., with documentation) pro[]ve his allegations..." (Doc. 27 at 5, 7). "Relief is appropriate under the 'clearly erroneous' prong...only if the...court 'finds that the Magistrate

Judge abused his discretion or, if after viewing the record as a whole, the Court is left with a definite and firm conviction that a mistake has been made.” Pigott, 2008 WL 2937804, \*5. A ruling is “contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure.” Id.

The Magistrate Judge’s ruling is neither clearly erroneous nor contrary to law. The Plaintiff has no right to file a reply to the Defendants’ response, and as such, it was appropriate for the Magistrate Judge to rule, based on Plaintiff’s motion and Defendants’ Response. As such, the Court agrees with the rulings of the Magistrate Judge.

Accordingly, it is **ORDERED** that Plaintiff’s “Interlocutory Appeal from Magistrate Order Denying Motion to Compel[] Discovery” (Doc. 27) is **DENIED**, and the Magistrate Judge’s Order (Doc. 25) is **AFFIRMED** in its entirety.

**DONE and ORDERED** this the **19<sup>th</sup>** day of **August 2013**.

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