

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ESTATE OF JERRY L. BYLER,

Plaintiff,

vs.

ALASKAN LEADER, Official No.
558637, its Engines, Machinery,
Appurtenances, etc., *In Rem*, and
ALASKAN ADVENTURE TOURS, *In
Personam*,

Defendants,

CITY AND BOROUGH OF
YAKUTAT,

Intervenor.

Case No. 3:10-cv-00055-HRH-JDR

**ORDER REGARDING
PLAINTIFF'S OBJECTION AND
MOTION TO VACATE ORDER
REGARDING PLAINTIFF'S
OBJECTION TO ORDER
CREATING INTERIM
RECEIVERSHIP**

Docket 109

Plaintiff filed the instant Objection and Motion at Docket 109. The Intervenor, City and Borough of Yakutat (CBY) filed a Response at Docket 111. Plaintiff filed a Reply at Docket 113. CBY filed its Surreply at Docket 114.

Plaintiff's Objection cites 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a). Plaintiff argues that the objection filed at Docket 98 should have been ruled upon by the assigned District Court judge and not the magistrate judge. Plaintiff re-argues the appurtenance issues the magistrate judge ruled upon in the Order Regarding Plaintiff's Objection at Docket 103, the Order Creating Interim Receivership at Docket 95, and on the record at the August 23, 2010 hearing. The Order at Docket 103 treated Plaintiff's Objection as a motion for reconsideration.

The magistrate judge has clearly and repeatedly articulated a ruling regarding Plaintiff's objection. In the court's order at Docket 116, the magistrate judge reiterated that while Plaintiff has challenged the magistrate judge's ruling, the magistrate judge's decision regarding the appurtenances and the parameters of the receivership, the findings of the magistrate judge stand pending alteration by the District Court Judge should he choose to make any.¹

If any party wishes to challenge the findings of the magistrate judge on said non-dispositive motions, they shall file an objection with the District Court asking for review by the assigned District Court Judge. This order, coupled with the Order at Docket 116, intends to rule on all motions ripe for decision by the

¹ See Docket 16, *Order Granting Plaintiff's Motion to Strike Prior Motions for Arrest Warrant and Appointment of Substitute Custodian and Findings Regarding All Pending Issues*, p. 16.

magistrate judge. Any further motions regarding review of these issues will be referred to the assigned District Court Judge for his determination.

DATED this 12th day of November, 2010, at Anchorage, Alaska.

/s/ John D. Roberts
JOHN D. ROBERTS
United States Magistrate Judge