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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jareer Tabari,

Petitioner,

vs.

Katrina S. Kane, Field Officer Director,
Detention and Removal Operations,
Florence Detention Center,

Respondent.

No. CV-10-2419-PHX-DGC

ORDER

Petitioner commenced this action on by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Doc. 1. Respondent filed a response in opposition. Doc. 16.

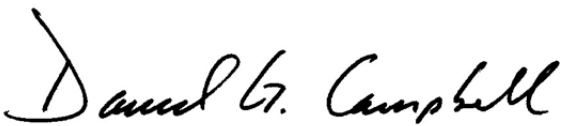
In an order dated May 3, 2011 (Doc. 29), Magistrate Judge Anderson denied Petitioner’s motion to strike Respondent’s “answer” (Doc. 18). Petitioner has filed an objection, asking the Court to vacate that order, strike Respondent’s answer, and direct Respondent to file an answer that complies with Rule 8(b) of the Federal Rules of Civil Procedure. Doc. 30.

“A district judge may reconsider a magistrate’s order in a pretrial matter if that order is ‘clearly erroneous or contrary to law.’” *Osband v. Woodford*, 290 F.3d 1036, 1041 (9th Cir. 2002) (quoting 28 U.S.C. § 636(b)(1)(A)); see *Grimes v. City & County of S.F.*, 951 F.2d 236, 240 (9th Cir. 1991) (“The district court shall defer to the magistrate’s orders unless they are clearly erroneous or contrary to law.”) (citing Fed. R. Civ. P.

1 72(b)). Judge Anderson concluded that the response in opposition to the habeas petition
2 (Doc. 16) complies with the rules governing habeas corpus cases, that it is not otherwise
3 prohibited by the Federal Rules of Civil Procedure or any Local Rule, and that it need not
4 comply with Rule 8(b). None of those conclusions is clearly erroneous or contrary to
5 law. Nor did Judge Anderson abuse his discretion in declining to require Respondent to
6 file an answer pursuant to Rule 8(b).

7 **IT IS ORDERED** that the Magistrate Judge's order denying Petitioner's motion
8 to strike (Doc. 29) is **affirmed**.

9 Dated this 27th day of June, 2011.

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David G. Campbell
United States District Judge