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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FREDERICK LEE JACKSON,)	2:04-cv-08017-RSWL-RAO
)	
Plaintiff,)	ORDER VACATING
v.)	MAGISTRATE JUDGE ORDER
)	[151]
)	
MICHAEL BARNES, et al.,)	
)	
Defendants.)	
)	
)	
)	

On April 29, 2015, Magistrate Judge Ralph Zarefsky issued an Order [151] denying Plaintiff's Motion for Review [142]. Plaintiff's Motion for Review [142] is pursuant to Rule 72 of the Federal Rules of Civil Procedure and, because Plaintiff is pro se, can be construed as a request to review Magistrate Judge Zarefsky's nondispositive Order [137] dismissing without prejudice Plaintiff's Second Amended Complaint.

1 Rule 72 allows a party to object to a magistrate
2 judge's nondispositive order and requires the "district
3 judge in the case" to consider such an objection if
4 timely filed. Fed. R. Civ. P. 72(a). Because Rule 72
5 authorizes only a "district judge" to decide a motion
6 for review of a magistrate judge's nondispositive
7 decision, the April 29, 2015, Order [151] by Magistrate
8 Judge Zarefsky deciding Plaintiff's Motion for Review
9 pursuant to Rule 72 [142] exceeded Magistrate Judge
10 Zarefsky's authority and is thus contrary to law.

11 Based on the foregoing, Magistrate Judge Zarefsky's
12 Order [151] denying Plaintiff's Motion for Review is
13 **HEREBY VACATED.** See Fed. R. Civ. P. 72(a); Allen v.
14 Meyer, 755 F.3d 866, 869 (9th Cir. 2014); Reynaga v.
15 Cammisa, 971 F.2d 414 (9th Cir. 1991).

16
17 **IT IS SO ORDERED.**

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19 DATED: May 5, 2015

RONALD S.W. LEW

HONORABLE RONALD S.W. LEW
Senior U.S. District Judge

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