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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 SUSAN MAE POLK,

9 Plaintiff,

10 vs.

11 MARY LATTIMORE, et al.,

12 Defendants.  
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1:12-cv-01156-AWI-GSA-PC

ORDER RE PLAINTIFF'S OBJECTIONS TO  
MAGISTRATE JUDGE'S ORDER UNDER  
RULE 72  
(Doc. 27.)

14 **I. RELEVANT PROCEDURAL HISTORY**

15 Susan Mae Polk ("Plaintiff") is a state prisoner proceeding pro se in this civil rights  
16 action pursuant to 42 U.S.C. § 1983. This action was initiated by civil Complaint filed on July  
17 16, 2012. (Doc. 1.) On September 20, 2012, Plaintiff filed the First Amended Complaint.  
18 (Doc. 8.) On September 17, 2013, the Magistrate Judge entered a [screening order](#) ("Screening  
19 Order") dismissing the First Amended Complaint for violation of Rules 8(a) and 18(a) of the  
20 Federal Rules of Civil Procedure, with leave to amend. (Doc. 20.)

21 **Plaintiff's Prior Objections**

22 On October 21, 2013, Plaintiff filed [objections](#) to the Screening Order entitled  
23 "Objections to Magistrate Judge's Order Dismissing Complaint with Leave to Amend." (Doc.  
24 24.) The court construed the objections as a motion for reconsideration, and on October 23,  
25 2013, the Magistrate Judge issued an [order](#) denying the motion for reconsideration. (Doc. 25.)

26 **Plaintiff's Objections Now Under Consideration**

27 On November 4, 2013, Plaintiff filed [objections](#) to the Screening Order entitled  
28 "Objections to Magistrate Judge's Order Pursuant to FRCP Rule 72." (Doc. 27.)

1 **II. OBJECTIONS – RULE 72**

2 **A. Legal Standard**

3 Rule 72 of the Federal Rules of Civil Procedure allows a party to file objections to a  
4 magistrate judge’s written order, which the district judge must then consider and “modify or set  
5 aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a).

6 **B. Plaintiff’s Request**

7 Plaintiff asserts that her prior objections, filed on October 12, 2013, were not meant to  
8 be a motion for reconsideration by the Magistrate Judge and should not have been construed as  
9 such. Plaintiff asserts that her intent was to file objections pursuant to Rule 72, directed to the  
10 District Judge assigned to this case. Plaintiff now seeks review and consideration of her prior  
11 objections by the District Judge, and requests the court to convey her prior objections to the  
12 District Judge.

13 **C. Discussion**

14 In accordance with the provisions of Rule 72 of the Federal Rules of Civil Procedure,  
15 this Court has conducted a de novo review of this case. Having carefully reviewed the entire  
16 file, including Plaintiff’s prior objections filed on October 12, 2013, the Court finds no  
17 evidence that the Magistrate Judge’s Screening Order issued on September 17, 2013 is clearly  
18 erroneous or contrary to law. The Screening Order allowed Plaintiff to amend her claims and  
19 merely find alleged claims concerning completely different facts and defendants be brought in  
20 a single action.

21 **II. CONCLUSION**

22 Accordingly, THE COURT HEREBY ORDERS that there is no evidence that any of  
23 the rulings in the Magistrate Judge’s Screening Order issued on September 17, 2013, are clearly  
24 erroneous or contrary to law.

25 IT IS SO ORDERED.

26 Dated: March 12, 2014

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SENIOR DISTRICT JUDGE

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