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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JERRY DILLINGHAM,

12 Plaintiff,

13 v.

14 F. GARCIA,

15 Defendant.
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No. 1:18-cv-00579-NONE-EPG (PC)

ORDER OVERRULING PLAINTIFF'S
OBJECTIONS TO MAGISTRATE JUDGE'S
ORDER

(Doc. No. 115)

17 Jerry Dillingham (“plaintiff”) is a state prisoner proceeding *pro se* and *in forma*
18 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

19 On May 28, 2020, the assigned magistrate judge issued an order denying plaintiff’s
20 requests for appointment of expert witness, for appointment of *pro bono* counsel, for
21 appointment of guardian *ad litem*, and to stay the case. (Doc. No. 112.) On June 29, 2020,
22 plaintiff filed objections to that order. (Doc. No. 115.)

23 Pursuant to Federal Rule of Civil Procedure 72(a), when reviewing a magistrate judge’s
24 order, “[t]he district judge in the case must consider timely objections and modify or set aside
25 any part of the order that is clearly erroneous or is contrary to law.” *See also* 28 U.S.C.
26 § 636(b)(1)(A); Local Rule 303. Under the clearly erroneous standard of review, a district
27 court may overturn a magistrate judge’s ruling ““only if the district court is left with the definite
28 and firm conviction that a mistake has been made.”” *Computer Economics, Inc. v. Gartner*

1 *Group, Inc.*, 50 F. Supp. 2d 980, 983 (S.D. Cal. 1999) (quoting *Weeks v. Samsung Heavy Indus.*
2 *Co., Ltd.*, 126 F.3d 926, 943 (7th Cir. 1997)). Under the contrary to law standard, a district
3 court may conduct independent review of purely legal determinations by a magistrate judge.
4 *Id.*

5 It does not appear that plaintiff timely filed his objections to the magistrate judges' May
6 28, 2020 order. However, the court has reviewed the magistrate judge's order (Doc. No. 112)
7 and plaintiff's objections (Doc. No. 115), and finds that the magistrate judge's order is not
8 contrary to law or clearly erroneous. Accordingly, plaintiff's objections to the magistrate
9 judge's order (Doc. No. 115) are OVERRULED.

10 IT IS SO ORDERED.

11 Dated: August 19, 2020

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14 UNITED STATES DISTRICT JUDGE
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