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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARVIN GLENN HOLLIS,
Plaintiff,
v.
J. BAL, et al.,
Defendants.

No. 2:13-cv-02145-MCE-JDP (PC)

ORDER

On August 1, 2023, the assigned magistrate judge denied without prejudice Plaintiff Marvin Glenn Hollis’s (“Plaintiff”) Motion to Appoint Counsel and Request for Appointment of a Guardian Ad Litem. See ECF Nos. 185, 188. Plaintiff subsequently filed Objections to the magistrate judge’s order pursuant to Federal Rule of Civil Procedure 60(b)¹ on August 7, 2023. ECF No. 191. On the same day, Plaintiff filed a renewed Motion for Appointment of a Guadian Ad Litem and Counsel, which the magistrate judge also denied without prejudice. See ECF Nos. 192, 195. On August 24, 2023, Plaintiff again filed Objections to the magistrate judge’s order. See ECF Nos. 197, 199. Because Plaintiff objects to nondispositive rulings, the Court construes Plaintiff’s Objections as motions for reconsideration pursuant to Rule 72(a). See E.D. Local Rule 303(c).

¹ All further references to “Rule” or “Rules” are to the Federal Rules of Civil Procedure.

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Rule 72(a) deals with nondispositive matters and provides the following:


When a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision. A party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to. The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.

“A magistrate judge’s factual findings are ‘clearly erroneous’ when the district court is left with the definite and firm conviction that a mistake has been committed.” Miller v. Akanno, No. 1:12-cv-01013-LJO-SKO (PC), 2015 WL 224811, at *1 (E.D. Cal. Jan. 15, 2015). “An order is contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules of procedure.” Id. (collecting cases).

After reviewing Plaintiff’s Motions, the magistrate judge’s orders, and Plaintiff’s Objections, the Court finds that the magistrate judge’s orders are neither clearly erroneous nor contrary to law. Accordingly, Plaintiff’s Objections (ECF Nos. 191, 197, 199) are each DENIED.

IT IS SO ORDERED.

Dated: August 29, 2023


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE