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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASAMUEL KORNHAUSER,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.

Case No. 14-cv-05610-HSG

**ORDER DENYING PLAINTIFF'S
MOTION FOR RELIEF FROM
NONDISPOSITIVE PRETRIAL ORDER
OF A MAGISTRATE JUDGE**

Re: Dkt. No. 50

On January 22, 2016, Plaintiff Samuel Kornhauser moved to set aside Magistrate Judge Kim's order, Dkt. No. 42, granting in part and denying in part Plaintiff's motion to compel further responses to interrogatories and production of documents. See Dkt. No. 50. Defendant has not filed a response. For the following reasons, Plaintiff's motion is DENIED.

I. LEGAL STANDARD

Under Federal Rule of Civil Procedure 72, a district judge may set aside a magistrate judge's non-dispositive pretrial order only if it is "clearly erroneous or contrary to law." Fed. R. Civ. P. 72(a); see also 28 U.S.C. § 636(b)(1)(A). "The magistrate's factual determinations are reviewed for clear error, and the magistrate's legal conclusions are reviewed to determine whether they are contrary to law." *Perry v. Schwarzenegger*, 268 F.R.D. 344, 348 (N.D. Cal. 2010). "When the court reviews the magistrate's determination of relevance in a discovery order, the Court must review the magistrate's order with an eye toward the broad standard of relevance in the discovery context. Thus, the standard of review in most instances is not the explicit statutory language, but the clearly implicit standard of abuse of discretion." *Id.* at 348 (internal quotation marks omitted). The Court can overturn the "magistrate's factual determinations only if the court reaches a definite and firm conviction that a mistake has been committed." *Id.* (citations and internal quotation marks omitted). "This standard is extremely deferential and the [m]agistrate's

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1 rulings should be considered the final decisions of the [d]istrict [c]ourt.” *Otey v. CrowdFlower,*
2 Inc., No. 12-CV-05524-JST, 2013 WL 3456942, at *1 (N.D. Cal. July 8, 2013) (internal quotation
3 marks omitted) (alterations in the original).

4 **II. DISCUSSION**


5 The Court has reviewed the Magistrate Judge’s order and finds no clear error of fact or
6 legal conclusions contrary to law. Accordingly, Plaintiff’s motion to set aside the Magistrate
7 Judge’s order is DENIED.

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9 **IT IS SO ORDERED.**

10 Dated: 1/29/2016

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HAYWOOD S. GILLIAM, JR.
United States District Judge

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