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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 THOMAS JOHN HEILMAN,  
12 CDCR #H-76785,

13 Plaintiff,

14 v.

15 J. COOK, et al.,

16 Defendants.

Case No.: 14-CV-1412 JLS (MDD)

**ORDER OVERRULING  
PLAINTIFF'S OBJECTIONS TO  
ORDER**

(ECF No. 144)

17 Presently before the Court is Plaintiff Thomas John Heilman's Third Request to  
18 Sever this Action from the January 18, 2017 Settlement Conference. (ECF No. 144.) After  
19 review, the Court construes Plaintiff's request as an objection to Magistrate Judge Andrew  
20 G. Schopler's Order Denying Plaintiff's Motion to Sever. (ECF No. 138.)

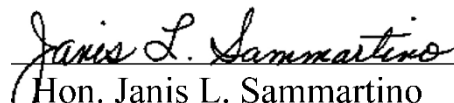
21 Under Federal Rule of Civil Procedure 72(a), aggrieved parties may file objections  
22 to the rulings of a magistrate judge in non-dispositive matters within fourteen days. In  
23 reviewing a magistrate judge's order, the district judge "must consider timely objections  
24 and modify or set aside any part of the order that is clearly erroneous or is contrary to law."  
25 Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A); *see also United States v. Raddatz*, 447  
26 U.S. 667, 673 (1980); *Osband v. Woodford*, 290 F.3d 1036, 1041 (9th Cir. 2002). Under  
27 the "clearly erroneous standard," a court should overturn a magistrate judge's ruling when  
28 it is "left with the definite and firm conviction that a mistake has been committed." *See*

1 *Concrete Pipe & Prods. of Cal., Inc. v. Constrs. Laborers Pension Trust*, 508 U.S. 602,  
2 622 (1993). A magistrate judge’s legal conclusions as to non-dispositive matters are  
3 reviewable for clear error. *Grimes v. City of S.F.*, 951 F.2d 236, 240–41 (9th Cir. 1991)  
4 (citing *Maisonville v. F2 Am., Inc.*, 902 F.2d 746, 747–48 (9th Cir. 1990)).

5 On November 22, 2016, Judge Schopler entered an order setting a global settlement  
6 conference for both of Plaintiff’s cases for January 18, 2017.<sup>1</sup> (ECF No. 129.) On  
7 December 19, 2016, Plaintiff filed a Motion to Sever Cases from Joint Settlement  
8 Conference. (ECF No. 136.) Judge Schopler denied Plaintiff’s motion on December 29,  
9 2016. (ECF No. 138.) In his present request, Plaintiff’s primary objections to a global  
10 settlement conference are that (1) he will not settle his case “for peanuts,” (Mot. 4, ECF  
11 No. 144), and (2) he deserves to be treated with respect, (*id.* at 5). However, as Judge  
12 Schopler has already stated, and this Court agrees, Plaintiff “will never be required to settle  
13 any case,” for “peanuts” or otherwise. (ECF No. 138.) Additionally, the Court does not  
14 conclude that holding a joint settlement conference for both of Plaintiff’s cases disrespects  
15 Plaintiff. To the contrary, Judge Schopler concluded that “some good may come of having  
16 all parties present to discuss issues concerning both outstanding cases.” (*Id.*) The Court  
17 agrees. Thus, the Court finds no clear error in Judge Schopler’s decision to hold a global  
18 settlement conference for both of Plaintiff’s cases. Accordingly, the Court **OVERRULES**  
19 Plaintiff’s objections to Judge Schopler’s Order (ECF No. 138) and **DENIES** Plaintiff’s  
20 request to sever his cases from the global settlement conference (ECF No. 144).

21 **IT IS SO ORDERED.**

22 Dated: January 12, 2017

  
23 Hon. Janis L. Sammartino  
24 United States District Judge  
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28 <sup>1</sup> Plaintiff’s cases are (1) *Heilman v. Cook, et. al*, 14-cv-1412-JLS (AGS), and (2) *Heilman v. Silva, et. al*,  
13-cv-2984-JLS (AGS)