

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

ALAN BOYD CURTIS,

Plaintiff,

vs.

Case No.:4:09-CV-76-SPM/WCS

UNITED STATES, et al.,

Defendants.

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ORDER

THIS CAUSE comes before the Court upon the Plaintiff's Objections (doc. 73), filed September 7, 2010, to the Magistrate Judge's Order (doc. 67), entered August 27, 2010, granting in part Plaintiff's Motion (doc. 63) to amend the complaint, and Plaintiff's Further Written Objections (doc. 78), filed September 27, 2010. Pursuant to Federal Rule of Civil Procedure 72(a), the district judge must consider timely objections to a Magistrate Judge's Order on a nondispositive matter served and filed within 14 days of service of the Magistrate Judge's Order. "A party may not assign as error a defect in the order not timely objected to." Fed. R. Civ. P. 72(a). The Plaintiff's Further Written Objections (doc. 78) were not timely served and filed, as the date provided in the certificate of service, September 22, 2010, is 15 days after Plaintiff's first Objections (doc. 73) were filed and 26 days after the Magistrate Judge's Order (doc. 67) was entered. Accordingly, the Further Written Objections (doc. 78) will not be considered by the Court. Moreover, having fully considered Plaintiff's first Objections (doc. 73), the Court determines that the Magistrate Judge's Order

(doc. 67) is not clearly erroneous or contrary to law, and Plaintiff's request to modify or set aside any part of the Magistrate Judge's Order (doc. 67) is DENIED.

DONE and ORDERED this sixth day of January, 2011.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge