

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

RONDY ALEXIS PHILO,  
Plaintiff,

v.

CASE NO.: 4:11cv394-SPM/GRJ

ROBERT REAMS. et al.  
Defendants.

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**ORDER AFFIRMING MAGISTRATE JUDGE'S RULING**

Pending before the Court is Plaintiff Rondy Alexis Philo's Objections to the magistrate judge's non-dispositive order. Doc. 46. The objections are filed under Federal Rule of Civil Procedure 72(a) and challenge the magistrate judge's rulings that denied Plaintiff's request for leave to amend his complaint and struck Plaintiff's reply.

A district court judge may reconsider pretrial matters that have been referred to a magistrate judge "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. 636(b)(1)(A). Under this standard, the court will affirm the magistrate judge's order unless the court has a definite and firm conviction that error has occurred. See Linea Navira De Cabotaje, C.A. v. Mar Caribe De Navegacion, C.A., 169 F.Supp.2d 1341, 1355 (M.D. Fla. 2001).

Upon review, the Court finds no reason to modify or set aside the magistrate judge's order. The magistrate judge had discretion to rule on Plaintiff's request for leave to amend under Rule 15(a). Conventry First, LLC v. McCarty, 605 F.3d 865, 870-71 (11th Cir. 2010). The amendment was properly denied because it is futile. As explained in the magistrate judge's order, Plaintiff is not entitled to monetary relief on his official capacity claims, so there is no need for him to clarify by amendment specific monetary amounts for his official capacity claims. Furthermore, contrary to Plaintiff's suggestion, denying the amendment does not mean that Plaintiff will be deprived of any monetary relief on his individual capacity claims if he succeeds in this case. Plaintiff's original complaint seeks monetary damages, which he has sufficiently pleaded under the standards of Federal Rule of Civil Procedure 8(a)(3).

The magistrate judge also acted within the proper scope of his discretion in striking Plaintiff's reply. Although pro se pleadings are construed liberally, a pro se litigant must comply with applicable rules. See Schmitt v. U.S. Office of Personnel Management, 403 F. App'x 460, 461-61 (11th Cir. 2010). Having found no error in the magistrate judge's ruling, it is

ORDERED AND ADJUDGED that the rulings of the magistrate judge (doc. 46) are affirmed.

DONE AND ORDERED this 20th day of September, 2012.

s/ Stephan P. Mickle  
Stephan P. Mickle  
Senior United States District Judge