

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

GARY CHARLES BRESTLE,

Plaintiff,

v.

SUSAN R. HASTINGS, et al.,

Defendants.

*
*
*
*
*
*
*
*

CIVIL ACTION NO.: 2:15-cv-12

ORDER

Before the Court is Plaintiff's Objection to the Magistrate Judge's August 12, 2016, Order denying Plaintiff's Motion to Appoint Counsel. (Dkt. No. 53.) For the reasons set forth below, the Court **OVERRULES** Plaintiff's Objections.

Plaintiff filed this cause of action pursuant to 28 U.S.C. § 1331 and Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 402 U.S. 388 (1971), contesting certain conditions of his confinement. (Dkt. No. 1.) Plaintiff essentially contended that Defendants retaliated against him for acting as an informant and attempted to stifle his speech and his legal actions. (Id.) The Court dismissed Plaintiff's Complaint on February 5, 2016, and denied Plaintiff's Motion for Reconsideration on July 19, 2016. (Dkt. Nos. 40, 47.)

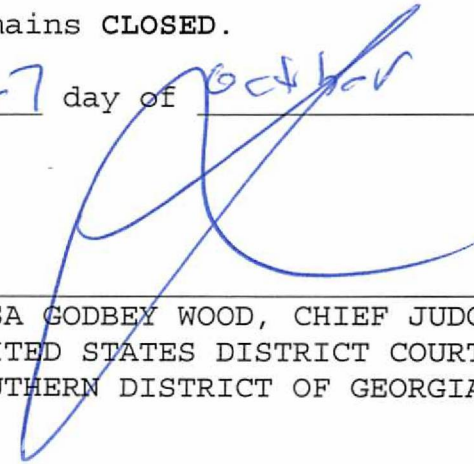
Plaintiff then filed a Motion to Appoint Counsel on August 8, 2016, (dkt. no. 48), which the Magistrate Judge denied on August 12, 2016, (dkt. no. 51). Plaintiff objects to the Magistrate Judge's denial of his Motion to Appoint Counsel to assist him with this case.

A district judge must consider a party's objections to a magistrate judge's order. See 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). However, the district judge may modify or set aside that order, and reconsider the matter, only "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); see also Fed. R. Civ. P. 72(a). "Clear error is a highly deferential standard of review. As the Supreme Court has explained, a finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." Holton v. City of Thomasville Sch. Dist., 425 F.3d 1325, 1350 (11th Cir. 2005) (internal citations and quotation marks omitted). "A decision by the magistrate judge is contrary to law where it fails to follow or misapplies the applicable law." Jackson v. Deen, No. CV 4I2-L39, 2013 WL 3963989, at *3 (S.D. Ga. July 25, 2013) (citation omitted).

Having reviewed Plaintiff's Objections, the Court does not find that the Magistrate Judge's Order was clearly erroneous or

contrary to law. The Court **CONCURS** with the Magistrate Judge's denial of Plaintiff's Motion and need not rehash that analysis. Consequently, the Court **OVERRULES** Plaintiff's Objections. The Magistrate Judge's August 12, 2016, Order remains the Order of the Court, and this case remains **CLOSED**.

SO ORDERED, this 27 day of October, 2016.



LISA GOBBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA