

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CASTRO

CIVIL ACTION

VERSUS

NO: 12-2049

TANNER

SECTION: "J" (4)

**ORDER**


Before the Court is Petitioner's Motion to Review Magistrate Judge's Order (Rec. Doc. 19). This motion, which is opposed, is set for hearing on November 21, 2012. Upon review of the motion, the memoranda, the record, and the applicable law, this Court now finds that Petitioner's motion should be **DENIED**.

A magistrate judge's ruling on a nondispositive motion may be appealed to the district court. Fed. R. Civ. P. 72(a). When objections are raised to such a ruling the district judge must consider them timely and "modify or set aside any part of the order that is clearly erroneous or contrary to law." Id. Under this standard, a magistrate judge's decision must be affirmed unless "on the entire evidence [the court] is left with a definite and firm conviction that a mistake has been committed." United States v.

United States Gypsum Co., 333 U.S. 364, 395 (1948). After reviewing the case, the magistrate judge's order, and the arguments of the parties, this Court finds that no such mistake has been made in the magistrate judge's Order (Rec. Doc. 17) and the Petitioner has not shown that the magistrate judge's ruling is "clearly erroneous or contrary to law." Accordingly,

**IT IS ORDERED** that the Petitioner's motion is **DENIED**

New Orleans, Louisiana, this 26th day of November, 2012.

  
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CARL J. BARBIER  
UNITED STATES DISTRICT JUDGE