

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

KING/MOROCCO

CIVIL ACTION

VERSUS

NO: 18-8957

MATT BOWERS NISSAN

SECTION: "H"

ORDER

Before the Court is a Motion for an Appeal of an October 9, 2018 Order by Magistrate Judge Karen Roby that denied Plaintiff's Motion for Leave to proceed in forma pauperis because Plaintiff failed to include a properly signed declaration of his income, assets, expenses, and debts with his Motion (Doc. 5).

With the consent of the presiding district judge, a magistrate judge may adjudicate non-dispositive pre-trial motions.¹ A magistrate judge is afforded broad discretion in resolving such motions.² A party aggrieved by the magistrate judge's ruling may appeal to the district judge within fourteen days after service of the ruling.³ The district judge may reverse only upon a finding that the ruling is "clearly erroneous or contrary to law."⁴ To meet this high standard, the district judge must be "left with a definite and firm conviction that a mistake has been committed."⁵

¹ 28 U.S.C. § 636(b)(1)(A).

² *McCallon v. BP Am. Prod. Co.*, Nos. 05–0597, 05–0700, 2006 WL 3246886, at *2 (E.D. La. Nov. 8, 2006).

³ FED. R. CIV. P. 72(a).

⁴ 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a).

⁵ *Norton v. Dimazana*, 122 F.3d 286, 293 (5th Cir. 1997).

Here, Plaintiff's Motion for an Appeal is untimely because it has been almost six months since Magistrate Judge Roby issued her ruling on Plaintiff's Motion for Leave to proceed in forma pauperis. Even if Plaintiff's Motion were timely, however, Plaintiff has failed to make any argument or present any evidence suggesting that the Magistrate's ruling was clearly erroneous or contrary to law. Accordingly, Plaintiff's Motion for an Appeal is **DENIED**.

New Orleans, Louisiana this 26th day of March, 2019.

A handwritten signature in black ink, appearing to read "Jane Triche Milazzo", written over a horizontal line.

JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE