

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOHN A. THOMAS (#177753)

VERSUS

WARDEN BURL CAIN, ET AL

CIVIL ACTION

NO. 05-941-BAJ-CN

RULING

This matter is before the Court on appeals of two rulings of the Magistrate Judge dated January 5, 2011. On that date, the Magistrate Judge denied plaintiff's motion for an evidentiary hearing upon a finding that the proposed hearing was requested to address claims no longer before the Court (doc. 172). The Magistrate Judge also denied a motion by plaintiff to compel discovery upon a finding that the discovery propounded was untimely (doc. 173). The Magistrate Judge also noted that plaintiff had failed to seek leave of court as was required because the plaintiff had exceeded the number of document requests authorized by the Court. (*Id.*).

In reviewing the rulings in question, the Court must determine whether the rulings are clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A). Having reviewed the rulings at issue, the Court finds they are neither clearly erroneous nor contrary to law. Accordingly, **IT IS ORDERED** that the rulings of the Magistrate Judge (docs. 172 & 173) are hereby **AFFIRMED**.

Baton Rouge, Louisiana, January 26, 2011.



BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA