

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

LAVON JONES, JR.

CIVIL ACTION NO. 14-3175

VERSUS

JUDGE ROBERT G. JAMES

STEEL FABRICATORS OF MONROE, LLC.

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending before the Court is Plaintiff's so-called "Notice of Appeal" [Doc. No. 32]. Plaintiff further styles his pleading as a "Request for Expedite [sic] Review for Notice of Appeal to the 5th Circuit Court of Appeals from a Denial for Appointed [sic] of Attorney and Request all Proceedings Temporary Stay until Ruling is Final." *Id.*

Having reviewed Plaintiff's filing, it appears that he is appealing Magistrate Judge Hayes' February 18, 2015 Memorandum Order [Doc. No. 10] denying his motion for appointment of counsel [Doc. No. 9]. An appeal from a magistrate judge's order should be taken to this Court, not to the United States Court of Appeals for the Fifth Circuit.

Under Federal Rule 72(a), when a magistrate judge rules on a nondispositive pretrial matter, a party has fourteen (14) days to file objections (i.e., to appeal) the magistrate judge's order to the district judge. The district judge must then consider the objections and "modify or set aside any part of the order that is clearly erroneous or is contrary to law."

In this case, the Court finds, first, that Plaintiff's appeal is untimely. Further, even if his appeal were timely filed, the Court has carefully considered Magistrate Judge Hayes' Memorandum Order. She correctly stated the law and carefully analyzed his request for appointment of counsel

under that law. The Court finds that her Memorandum Order denying his request for appointment of counsel is neither clearly erroneous nor contrary to law. Thus, to the extent that Plaintiff seeks to appeal Magistrate Judge Hayes' Memorandum Order,

IT IS ORDERED that the Memorandum Order [Doc. No. 10] is AFFIRMED, and his appeal [Doc. No. 32] is DENIED.

IT IS FURTHER ORDERED that his request for a stay is DENIED AS MOOT.

MONROE, LOUISIANA, this 17th day of September, 2015.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE