

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MARK HANNA

CIVIL ACTION NO. 12-494

VERSUS

JUDGE ELIZABETH ERNY FOOTE

BOSSIER PARISH CORRECTIONAL
CENTER, et al

MAGISTRATE JUDGE MARK HORNSBY

MEMORANDUM ORDER

Before the Court is a Motion to Stay, for Leave to Appeal and to Proceed *In Forma Pauperis* on Appeal [Record Document 67], filed by Plaintiff, Mark Hanna. In his motion, Plaintiff requests that this Court stay this proceeding and grant Plaintiff leave to appeal the magistrate judge's denial of Plaintiff's Motion for Change of Venue [*See* Record Documents 63 and 61, respectively]. In support of his position, Plaintiff appears to allege that the magistrate judge improperly "intercepted the motion [for change of venue] where he reviewed the decisions he had previously entered[.]"¹ in reference to an earlier order denying two motions to compel filed by Plaintiff [Record Document 53]. Plaintiff further requests leave to proceed *in forma pauperis* on appeal.

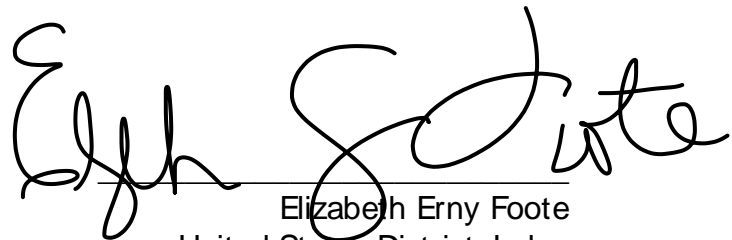
Notwithstanding Plaintiff's unfounded and unsupported allegations to the contrary, there has been no derivation from the proper legal procedures commonly

¹ The Court can find no such review by the magistrate judge of decisions previously entered and therefore finds no grounds which might merit any further review of Plaintiff's nonsensical argument. The only mention of the previous order consists of one sentence, which serves merely to recount the procedural history of the case: "The court denied two of his motions to compel. Doc. 53." *See* Record Document 63, p. 1.

used by the Court during the course of this proceeding. In accordance with 28 U.S.C. § 636(b)(1)(A) and Local Rule 72.1, a magistrate judge may hear and determine any pretrial matter pending before the court, except those certain listed matters for which a magistrate judge must issue proposed findings and recommendations which are subject to review by this Court. The matters of which Plaintiff now complains fall squarely within the ambit of matters properly determined by a magistrate judge. Thus, the resultant orders of the magistrate judge will not be reconsidered by this Court absent a showing that said orders were clearly erroneous or contrary to law. *See* 28 U.S.C. §636(b)(1)(A) and Local Rule 74.1(A).

Accordingly, to the extent Plaintiff is requesting that this Court reconsider any portion of the magistrate judge's orders denying the two motions to compel [Record Document 53] or denying the motion for change of venue [Record Document 63], that request is DENIED on the merits. To the extent Plaintiff is seeking leave to appeal said orders to the United States Court of Appeals for the Fifth Circuit, that request is similarly DENIED. As Plaintiff is not granted leave to appeal, his request to proceed *in forma pauperis* on appeal is also DENIED as moot. The instant motion [Record Document 67] is therefore DENIED as to every aspect of relief requested therein by Plaintiff.

THUS DONE AND SIGNED in Shreveport, Louisiana this 6th day of January, 2014.


Elizabeth Erny Foote
United States District Judge