

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ANTHONY TELLIS, ET AL.

CIVIL ACTION NO. 18-cv-0541

VERSUS

JUDGE ELIZABETH E. FOOTE

JAMES M. LEBLANC, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is Plaintiffs' appeal of the Magistrate Judge's order granting in part and denying in part Plaintiffs' motion for leave to propound additional interrogatories. [Record Document 266]. Specifically, Plaintiffs appeal the Magistrate Judge's denial of their request for leave to file Proposed Interrogatory No. 29. [Record Document 266 at 1]. The Magistrate Judge's order is **AFFIRMED**.

Under the Federal Magistrate Act, a magistrate judge may issue binding rulings on non-dispositive matters. 28 U.S.C. § 636(b)(1)(A). A party that objects to such a ruling may appeal to the district judge who "must . . . modify or set aside any part of the order that is clearly erroneous or contrary to law." Fed. R. Civ. P. 72(a). A clear error standard applies to a magistrate judge's findings of fact, while legal conclusions are reviewed de novo. *See Spillers v. Chevron USA Inc.*, No. 11-2163, 2013 WL 869387, at *3 (W.D. La. Mar. 6, 2013) (citing *Choate v. State Farm Lloyds*, No. 03-2111, 2005 WL 1109432, at *1 (N.D. Tex. May 5, 2005)). "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948). Hence, reversal of a factual finding is improper whenever the "magistrate judge's 'account of the evidence is plausible in light of the record viewed in its entirety.'" *Smith v.*

Smith, 154 F.R.D. 661, 665 (N.D. Tex. 1994) (quoting *Resolution Tr. Corp. v. Sands*, 151 F.R.D. 616, 619 (N.D. Tex. 1993)).

The Magistrate Judge denied Plaintiffs' Request for leave to file Proposed Interrogatory 29. [Record Document 255 at 2]. This interrogatory asks Defendants to "[i]dentify the prisoners who were transferred into Extended Lockdown at DWCC from other facilities between June 1, 2019 and present, identifying the facility that each individual was transferred from." [*Id.*] The Magistrate Judge concluded that this was cumulative of three other prior discovery requests that also sought information about prisoners entering and leaving David Wade Correctional Center. [Record Documents 255 at 2 and 266 at 2]. After reviewing the prior requests, this Court cannot conclude that the Magistrate Judge's ruling was clearly erroneous or contrary to law and thus the Magistrate Judge's order is **AFFIRMED**.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 11th day of February, 2020.



ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT JUDGE