

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MILTON BAYTOPS,

Plaintiff,

v.

Case No. 20-cv-11630

Hon. Matthew F. Leitman

STEVE SLOMINSKI, *et al.*,

Defendants.

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS
TO MAGISTRATE JUDGE'S ORDER DENYING
MOTIONS TO APPOINT COUNSEL (ECF No. 85)**

Over the course of this civil litigation, Plaintiff Milton Baytops has filed five motions asking the Court to appoint counsel to represent him. (*See* Mots., ECF Nos. 52, 54, 75, 80, 81.) On June 29, 2022, Magistrate Judge Patti entered an Order denying the first two of these motions. (*See* Order, ECF No. 56.) Since that order, Baytops has filed three additional motions requesting that the Court appoint him counsel. On April 27, 2023, Magistrate Judge Patti entered an order denying Plaintiff's three pending motions for the Court to appoint counsel (ECF Nos. 75, 80, 81). Baytops has now filed Objections to the Magistrate Judge's order. (*See* Obj., ECF No. 85.)

Under 28 U.S.C. § 636(b)(1)(A), a magistrate judge has the authority "to hear and determine [certain] pretrial matter[s] pending before the court." Parties may object to such orders within fourteen days. *See* Fed.R.Civ.P. 72(a). Upon receiving objections

to a non-dispositive order, the Court may reverse the order “only if it is ‘clearly erroneous or contrary to law.’ ” *Massey v. City of Ferndale*, 7 F.3d 506, 509 (6th Cir. 1993) (quoting Fed.R.Civ.P. 72(a)). “This standard requires [the Court] to review findings of fact for clear error and to review matters of law de novo.” *Bisig v. Time Warner Cable, Inc.*, 940 F.3d 205, 219 (6th Cir. 2019). “A [factual] 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.” *Id.* Finally, “[a]n order is ‘contrary to the law’ when it ‘fails to apply or misapplies relevant statutes, case law, or rules of procedure.’ ” *Id.*

After carefully reviewing Baytops’ Objections, the Court concludes that the Objections do no more than re-state the arguments that Baytops has already presented in his several motions. He has not shown any error in Magistrate Judge Patti’s ruling. Therefore, Baytops’ Objections (ECF No. 85) are **OVERRULED**. His three pending motions for appointment of counsel (ECF Nos. 75, 80, 81) are **DENIED**. The Court shares Magistrate Judge Patti’s view that, if Attorney Frank J. Lawrence is willing to represent Baytops, Baytops is free to hire Mr. Lawrence (or any other attorney of his choosing). The Court need not be involved in that process.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 22, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 22, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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