

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 18-396(DSD/BRT)

Anthony J. Nasseff, Jr.

Plaintiff,

v.

ORDER

William Braun, Michael
Costello, Abby Domagalski,
Glenn Lisowy, Robert Martin,
Inez Reordan, Michelle Smith,
Paula A. Thielen, Jerry Thor,
Nick Vidal, Tammy Wherley,
Theresa Wohlhafer,
In their individual capacities,

Defendants.

This matter is before the court upon the appeal by pro se plaintiff Anthony J. Nasseff, Jr. of Magistrate Judge Becky R. Thorson's April 2, 2018, order requiring him to file an amended complaint that complies with the federal pleading requirements (Order).¹ ECF No. 8 at 3. Nasseff appealed the order on May 4th. Local Rule 72.2 provides that appeals to magistrate judge orders must be filed within fourteen days of service. Here, Nasseff filed his appeal well after that time period and his appeal is therefore untimely. Even if timely, however, the appeal lacks merit.

The standard of review applicable to an appeal of a magistrate judge's order on nondispositive matters is "extremely deferential."

¹ Magistrate Judge Thorson originally ordered Nasseff to file an amended complaint within twenty days of the date of the order, but later extended the deadline to May 18, 2018. ECF No. 10.

Reko v. Creative Promotions, Inc., 70 F. Supp. 2d 1005, 1007 (D. Minn. 1999). The court will reverse such an order only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. LR 72.2(a)(3). "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." Chakales v. Comm'r of Internal Revenue, 79 F.3d 726, 728 (8th Cir. 1996) (citations and internal quotation marks omitted). "A decision is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure." Knutson v. Blue Cross & Blue Shield of Minn., 254 F.R.D. 553, 556 (D. Minn. 2008) (citation and internal quotation marks omitted).

The court is satisfied that the magistrate judge properly exercised her discretion in determining that Nasseff's original complaint was deficient and subject to dismissal. She allowed Nasseff to remedy its deficiencies by filing an amended complaint, and he must do so in the time period permitted if he wishes to maintain this action.

Accordingly, **IT IS HEREBY ORDERED** that the appeal [ECF No. 11] is denied.

Dated: May 9, 2018

s/David S. Doty
David S. Doty, Judge
United States District Court