

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CARL BENNETT, # 12198-021

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:12CV16-DCB-RHW

HARRELL WATTS, R.E. HOLT, BRUCE
PEARSON, ROBERTO MARTINEZ, and
ANTHONY CHAMBERS

DEFENDANTS

OPINION AND ORDER

This cause is before the Court on Plaintiff's Motion for Reconsideration [**docket entry no. 27**] of this Court's April 2, 2012 Order [docket entry no. 16], wherein the Court denied Plaintiff's motion styled as a motion to proceed before an Article III judge [docket entry no. 12]. The Court denies Plaintiff's 59(e) Motion for Reconsideration because he has not shown any manifest errors of law or fact or presented newly discovered evidence. Waltman v. Int'l Paper Co., 875 F.2d 468, 473 (5th Cir. 1989). It is apparent, however, that Plaintiff misunderstands the Court's April 12 Order, and therefore the Court will briefly rearticulate why it denied Plaintiff's previous motion in an effort to alleviate his concerns.

Plaintiff appears to believe that a magistrate judge must have his consent in order to determine *any* matters in his case. Contrary to this belief, a magistrate judge has the statutory authority to resolve certain pretrial matters without a plaintiff's consent. 28 U.S.C. § 636(b)(1)(A). Consent is required in order for a magistrate judge to "conduct any or all proceedings in a jury or nonjury civil matter and *order the entry of judgment in the case,*"

but in this case Plaintiff has not given his consent. 28 U.S.C. § 636(c)(1) (emphasis added). The undesignated Article III judge will resolve all dispositive matters in this case, including ruling on Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment [docket entry no. 48] after the magistrate judge has submitted a report and recommendation.¹ Inasmuch as Plaintiff asks this Court to ignore the Magistrate Act, that request cannot be granted.

IT IS THEREFORE HEREBY ORDERED THAT Plaintiff's Motion for Reconsideration [**docket entry no. 27**] is **DENIED**.

SO ORDERED, this the 24th day of September, 2012.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE

¹ A magistrate judge does not need a plaintiff's consent to submit proposed findings of fact and recommendations for the disposition of any motion by a district court judge. 28 U.S.C. § 636(b)(1)(B).