

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

HENRY HINTON, JR

PLAINTIFF

VS.

CIVIL ACTION NO. 5:16-cv-14-KS-MTP

PIKE COUNTY, ET AL

DEFENDANTS

ORDER

THIS CAUSE IS BEFORE THE COURT on Motion for New Trial [79] filed by Henry Hinton, Jr. Apparently Movant refers to an Evidentiary Hearing that was conducted by the Magistrate Judge on or about January 29, 2018. Following the Evidentiary Hearing Judge Parker entered a Report and Recommendation [75] making recommendations regarding certain evidentiary issues. On February 26, Movant filed a Motion [78] requesting an extension of time to file objections to the Report and Recommendation [75], and by Text Order Movant was given until March 30, 2018 to file objections. Prior to filing objections, he filed this Motion for New Trial [79] which this Court is currently considering.

28 U.S.C. § 636 (b) (1) (B) states:

A Judge may also designate a Magistrate Judge to conduct hearings, including evidentiary hearings, and to submit to a Judge of the Court proposed findings of fact and recommendations for the disposition, by a Judge of the Court, of any motion excepted in subparagraph (A), of applications for post trial relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement.”

The Report and Recommendation of Judge Parker was filed following the Evidentiary

Hearing that is authorized by the above statute. The Report and Recommendation has not been accepted or rejected by the Court since the Movant still has the opportunity to object to it.

However, this Motion for a New Trial is premature and is DENIED without prejudice.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion for a New Trial [79] be and the same is, hereby DENIED without prejudice.

SO ORDERED this the 19<sup>th</sup> day of March, 2018.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE