

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BARRY W. FLETCHER, Sr.,

Plaintiff,

v.

ROBERT P. HOUSTON, Director, NDCS;
FRANK X. HOPKINS, Deputy Director,
NDCS; FRANCES BRITTEN, Warden,
Tecumseh State Correctional Institution;
CATHIE PETERS, mail/material Specialist,
Tecumseh State Correctional Institution;
and LEAH SWARTHOUT, Sergeant,
Tecumseh State Correctional Institution;
sued in their individual capacities,

Defendants.

4:12CV3179

ORDER

This matter is before the court on the pro se plaintiff's objection, [Filing No. 76](#), to the order of the magistrate judge, [Filing No. 75](#), granting the defendants' motion to extend progression order deadlines, [Filing No. 74](#).

A magistrate judge's authority over nondispositive pretrial matters is governed by [28 U.S.C. § 636\(b\)\(1\)\(A\)](#). *Gomez v. United States*, 490 U.S. 858, 873-74 (1989); see also [Fed. R. Civ. P. 72\(a\)](#). On review of a decision of the magistrate judge on a nondispositive matter, the district court may set aside any part of the magistrate judge's order that it finds is clearly erroneous or contrary to law. [28 U.S.C. § 636\(b\)\(1\)\(A\)](#); [Fed. R. Civ. P. 72\(a\)](#); see *Ferguson v. United States*, 484 F.3d 1068, 1076 (8th Cir. 2007). ("A district court may reconsider a magistrate judge's ruling on nondispositive pretrial matters where it has been shown that the ruling is clearly erroneous or contrary to law."). A magistrate judge is afforded broad discretion in the resolution of

nondispositive discovery disputes. [Bialas v. Greyhound Lines, Inc.](#), 59 F.3d 759, 764 (8th Cir. 1995).

The court finds no clear error in the magistrate judge's ruling. The court agrees with the magistrate judge that the deadlines should be extended. Accordingly,

IT IS ORDERED that the plaintiff's objection ([Filing No. 76](#)) to the order of the magistrate judge ([Filing No. 75](#)) is overruled.

Dated this 23rd day of May, 2014.

BY THE COURT:

s/ Joseph F. Bataillon

United States District Judge