



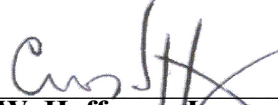
1 new evidence. He has not shown that circumstances have changed. He has not shown an  
2 intervening change in the law. He has not shown that the Court's prior decision was clearly  
3 erroneous. He has simply identified prior arguments, already considered, that he believes support  
4 his requested relief. Disagreement with an order or ruling is not sufficient grounds for the  
5 requested relief.

6 Moreover, Plaintiff's request for certification of the Court's order as final for purposes of  
7 appeal under either Rule 54(b) or 60(b) is premature. Magistrate judges' orders made under 28  
8 U.S.C. § 636(b)(1)(A) or § 636(b)(1)(B) are not final orders and cannot be appealed directly to a  
9 Federal appellate court. *See Estate of Conyers v. O'Connor*, 6 F.3d 656, 658 (9th Cir. 1993); *see*  
10 *also Lee v. Plantation of Louisiana, LLC*, 454 Fed. Appx. 358 (5th Cir. 2011) (citations omitted).  
11 Thus, before an appeal may be taken, Plaintiff must appeal the decision to the District Judge  
12 pursuant to section 636(a)(1)(A) and Local Rule IB 3-1(a).

13 Based on the foregoing and good cause appearing therefore,

14 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Clarify (#39) is **denied**. Plaintiff  
15 has fourteen (14) days from the date of service of this order to file and serve specific written  
16 objections to the ruling together with points and authorities in support thereof.

17 DATED this 16th day of May, 2012.

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21 **C.W. Hoffman, Jr.**  
22 **United States Magistrate Judge**