

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DANTE H. PATTISON,

Plaintiff,

v.

THE STATE OF NEVADA, ex rel.
NEVADA DEPARTEMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. 3:14-cv-00020-MMD-VPC

ORDER

I. SUMMARY

Before the Court is Plaintiff’s L.R. 1B 3-1(a)(b), L.R. 1B 3-2(a)(b) Objections to, and Appeal from the Magistrate’s September 19, 2014, Order and FRCP 60(b) Motion for Relief (“Objection”). (Dkt. no. 47.) For reasons stated below, the Court denies the Motion.

II. BACKGROUND

On September 19, 2014, Magistrate Judge Cooke denied Plaintiff’s Motion for Leave of Court for an Order Allowing Plaintiffs FRCP 56(c) Motion Excessive Pages and Relief Sought (dkt. no. 43). Plaintiff timely filed an objection to the decision and asks this Court to reconsider the Magistrate Judge’s Order. (Dkt. no. 47.) Defendants timely filed a response. (Dkt. no. 52.)

1 **III. DISCUSSION**

2 **A. Legal Standard**

3 Magistrate judges are authorized to resolve pretrial matters subject to district
4 court review under a “clearly erroneous or contrary to law” standard. 28 U.S.C. §
5 636(b)(1)(A); *see also* Fed. R. Civ. P. 72(a); L.R. IB 3-1(a) (“A district judge may
6 reconsider any pretrial matter referred to a magistrate judge in a civil or criminal case
7 pursuant to LR IB 1-3, where it has been shown that the magistrate judge’s ruling is
8 clearly erroneous or contrary to law.”). “This subsection would also enable the court to
9 delegate some of the more administrative functions to a magistrate judge, such as . . .
10 assistance in the preparation of plans to achieve prompt disposition of cases in the
11 court.” *Gomez v. United States*, 490 U.S. 858, 869 (1989). “A finding is clearly
12 erroneous when although there is evidence to support it, the reviewing body on the
13 entire evidence is left with the definite and firm conviction that a mistake has been
14 committed.” *United States v. Ressay*, 593 F.3d 1095, 1118 (9th Cir. 2010) (quotation
15 omitted). A magistrate judge’s pretrial order issued under 28 U.S.C. § 636(b)(1)(A) is
16 not subject to *de novo* review, and the reviewing court “may not simply substitute its
17 judgment for that of the deciding court.” *Grimes v. City & County of San Francisco*, 951
18 F.2d 236, 241 (9th Cir. 1991).

19 **B. Analysis**

20 After reviewing Magistrate Judge Cooke’s Order and Plaintiff’s Objection, the
21 Court determines that the Magistrate Judge’s Order was not clearly erroneous or
22 contrary to law. In fact, the Court agrees with the Magistrate Judge’s determination that
23 Plaintiff should be able to comply with the 30 page limit in preparing his dispositive
24 motion. Plaintiff’s Objection is therefore overruled.

25 **IV. CONCLUSION**

26 It is therefore ordered that Plaintiff’s L.R. 1B 3-1(a)(b), L.R. 1B 3-2(a)(b)
27 Objections to, and Appeal from the Magistrate’s September 19, 2014, Order and FRCP
28 60(b) Motion for Relief (dkt. no. 47) is overruled.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

It is further ordered that Magistrate Judge Cooke's decision (dkt. no. 45) denying Plaintiff's motion to exceed page limit (dkt. no. 43) and striking Plaintiff's motion for summary judgment (dkt. no. 44) is affirmed.

DATED THIS 9th day of January 2015.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE