UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CELIA BELLINGER,

                Plaintiff,

   -against-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

                Defendant.

---x

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 3 - 2013 ★

BROOKLYN OFFICE
NOT FOR PUBLICATION
MEMORANDUM & ORDER
06-CV-321 (CBA) (SMG)

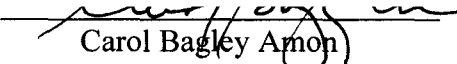**AMON, Chief United States District Judge:**

On March 28, 2013, this Court issued an order granting defendant's motion for summary judgment in its entirety. (Mem. & Order, D.E. # 223.) On April 19, 2013, defendant submitted a letter requesting that this Court deny an appeal of a discovery order issued by Magistrate Judge Gold on September 28, 2011 that was apparently outstanding. (*See* Letter Dated Apr. 19, 2013, D.E. # 225 (referencing Sept. 28 Mem. & Order, D.E. # 182; Appeal Dated Oct. 31, 2011, D.E. # 187).) Plaintiff opposes the request. (*See* Letter Dated Apr. 21, 2013, D.E. # 226.)

Neither party brought the pendency of this discovery appeal to the attention of the Court prior to its determination of the summary judgment motion. In any event, the Court has reviewed Magistrate Judge Gold's September 28, 2011 order and concludes that it was neither clearly erroneous nor contrary to law. Pall Corp v. Entegris, Inc., 655 F. Supp. 2d 169, 172 (E.D.N.Y. 2008) ("[D]iscovery matters, including issuance and application of protective orders, are non-dispositive decisions governed by Fed. R. Civ. P. 72(a) and the Federal Magistrate Act, 28 U.S.C. § 636(b)(1)(A). . . . Given magistrate judges' broad discretion to resolve nondispositive issues, this Court may overrule such decision only where it is clearly erroneous or contrary to law." (internal citation omitted)); Concrete Pipe and Prods. of Cal., Inc. v. Constr. Laborers Pension Trust for South. Cal., 508 U.S. 602, 623 (1993) ("[R]eview under the "clearly errone-

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ous" standard is significantly deferential, requiring a "definite and firm conviction that a mistake has been committed."). The appeal is denied.

SO ORDERED.

Dated: May 2, 2013
        Brooklyn, New York

s/Carol Bagley Amon

    Carol Bagley Amon
Chief United States District Judge