

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
TOWAKI KOMATSU,	:	
	:	
Plaintiff,	:	
	:	18 Civ. 3698 (LGS)
-against-	:	
	:	<u>ORDER</u>
THE CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on November 24, 2020, Judge Gorenstein extended the deadline for discovery in this action to March 1, 2021. Dkt. No. 440.

WHEREAS, on November 28, 2020, Plaintiff filed a letter objecting to Judge Gorenstein’s extension. Dkt. No. 443. On December 4, 2020, Plaintiff filed another letter objecting to Judge Gorenstein’s extension. Dkt. No. 444.

WHEREAS, for objections to a Magistrate Judge’s ruling on nondispositive matters, district courts must “modify or set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a); *accord* 28 U.S.C. § 636(b)(1)(A). “A finding is ‘clearly erroneous’ when, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *Wu Lin v. Lynch*, 813 F.3d 122, 126 (2d Cir. 2016) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)). A ruling is contrary to law if it “fails to apply or misapplies relevant statutes, case law or rules of procedure.” *Winfield v. City of New York*, No. 15 Civ. 5236, 2017 WL 5054727, at *2 (S.D.N.Y. Nov. 2, 2017) (internal citation omitted). “It is well-settled that a magistrate judge’s resolution of a nondispositive matter should be afforded substantial deference and may be overturned only if found to have been an abuse of discretion.” *Xie v. JPMorgan*

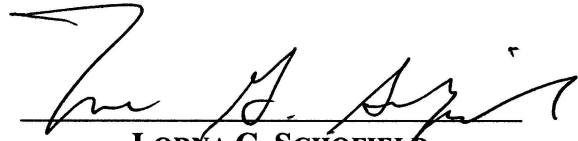
Chase Short-Term Disability Plan, 15 Civ. 4546, 2018 WL 501605, at *1 (S.D.N.Y. Jan. 19, 2018) (internal citation omitted).

WHEREAS, a magistrate judge's decision to modify a schedule is evaluated under an abuse of discretion standard. *See Wega v. Ctr. For Disability Rights Inc.*, 457 Fed. App'x. 56, 59 (2d Cir. 2012); *see also* Fed. R. Civ. P 16(b) (changing a discovery schedule is permitted with judicial consent). It is hereby

ORDERED that Plaintiff's objections to Judge Gorenstein's November 24, 2020, Order (Dkt. No. 440) are overruled. Judge Gorenstein's acted within his discretion when he extended the discovery deadline in this action.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

Dated: December 10, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE