

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LARRY PORTER,

Plaintiff,

v.

ORDER
04-CV-485A

GLENN S. GOORD, et al.,

Defendants.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(A). On November 26, 2007, plaintiff filed a motion to compel interrogatory answers and responses to document requests.

Defendants opposed plaintiff's motion and plaintiff filed a reply thereto.

On January 15, 2008, Magistrate Judge Foschio filed a Decision and Order, dismissing plaintiff's motion without prejudice. On January 28, 2008, plaintiff filed an objection to the Decision and Order.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law."

The Court has reviewed defendants' objections and Magistrate Judge Scott's Decision and Order. Upon such review, the Court finds that

Magistrate Judge Foschio's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: February 1, 2008