

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTHONY L. WILSON,	:	Case No. 3:12-cv-337
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael J. Newman
vs.	:	
	:	
PHIL PLUMMER, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER OVERRULING PLAINTIFF’S OBJECTIONS (Doc. 57)

This civil action is before the Court for consideration of Plaintiff’s Objections to the Magistrate Judge’s Order granting in part and denying in part Plaintiff’s motion to compel (Doc. 57) and Defendants’ response (Doc. 58).

The Order at issue involves a non-dispositive matter. Therefore, the Court applies the “clearly erroneous” or “contrary to law” standard of review set forth in Federal Rule of Civil Procedure 72(a). A Magistrate Judge’s factual finding is “clearly erroneous” only when, after reviewing the evidence, the court “is left with the definite and firm conviction that a mistake has been committed.” *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948). A court will overturn a Magistrate Judge’s legal conclusions only where those conclusions “contradict or ignore applicable precepts of law, as found in the Constitution, statutes, or case precedent.” *Gandee v. Glaser*, 785 F. Supp. 684, 686 (S.D. Ohio 1992).

The Court has reviewed the Magistrate Judge’s Order and concludes that it is neither clearly erroneous nor contrary to law. If a motion to compel is granted in part and

denied in part, it is within the Court's discretion to apportion the reasonable expenses for the motion. Fed. R. Civ. P. 37(a)(5)(C). The Magistrate Judge acted within his discretion in denying Plaintiff's request to impose sanctions and award expenses.¹ This ruling is not clearly erroneous or contrary to law. *See Thompson v. Vill. of Mt. Pleasant*, No. 2:10-cv-93, 2011 WL 31106, at *2 (S.D. Ohio Jan. 4, 2011).

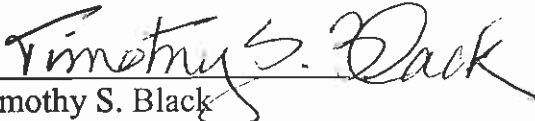
Plaintiff's second, third, fourth, and fifth objections relate to specific discovery requests. The Magistrate Judge ordered immediate production of documents responsive to three of the four requests and ordered Defendants to produce the remaining documents upon Plaintiff's release from incarceration. Plaintiff was subsequently released (Doc. 59) and Defendants maintain that they have produced all responsive documents (Doc. 58). Plaintiff fails to demonstrate that the Magistrate Judge's rulings are clearly erroneous or contrary to law.

Plaintiff's sixth objection pertains to his request for additional time to file an amended complaint. For good cause shown, Plaintiff's motion is **GRANTED**. Plaintiff shall file an amended complaint within 21 days of the date of this Order.

Accordingly, objections 1-5 are **OVERRULED**. The Magistrate Judge's Order is **ADOPTED AND AFFIRMED**.

IT IS SO ORDERED.

Date: 7/22/14


Timothy S. Black
United States District Judge

¹ Plaintiff's motion to compel and subsequent objections reassert the same arguments regarding his need for counsel that this Court has twice rejected. (Docs. 32, 35).