

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CASSI C. FISHER as Guardian ad Litem for  
X.S.F., a minor,

No. 2:15-cv-01957-SU

Plaintiff,

v.

WINDING WATERS CLINIC, PC, an Oregon  
corporation; ELIZABETH POWERS, M.D.;  
KEITH DeYOUNG, M.D.; and RENEE  
GRANDI, M.D.,

ORDER

Defendants.

HERNANDEZ, District Judge,

On February 13, 2017, Magistrate Judge Sullivan issued an Opinion & Order (#53) in which she denied Defendants' Motion to Compel Genetic Testing and Amended Motion to Compel Genetic Testing. On February 23, 2017, Defendants filed objections to the Order. On August 10, 2017, the matter was referred to me pursuant to Federal Rule of Civil Procedure 72(a).

In accordance with Rule 72(a), "[w]hen a pretrial matter not dispositive of a party's claim

or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision." Fed. R. Civ. P. 72(a). The standard of review for an order with objections is "clearly erroneous" or "contrary to law." 28 U.S.C. § 636(b)(1)(A) (applying the "clearly erroneous or contrary to law" standard of review for nondispositive motions). If a ruling on a motion is not determinative of "a party's claim or defense," it is not dispositive and, therefore, is not subject to *de novo* review as are proposed findings and recommendations for dispositive motions under 28 U.S.C. § 636(b)(1)(B).


I have carefully considered Defendants' objections and conclude they do not provide a basis to modify Magistrate Judge Sullivan's Order.

#### CONCLUSION

The Court AFFIRMS Magistrate Judge Sullivan's Order [53].

IT IS SO ORDERED.

DATED this 22 day of Oct, 2017.

  
MARCO A. HERNANDEZ  
United States District Judge