

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

JAMES ARTHUR ROSS,

Civ. No. 2:20-cv-01338-SB

Plaintiff,

OPINION & ORDER

v.

TYLER BLEWETT, *et al*,

Defendants.

AIKEN, District Judge

This matter comes before the Court on Plaintiff's objections to a non-dispositive order issued by Judge Beckerman November 16, 2022, incorporating an earlier order issued June 7, 2022, denying Plaintiff's Motion for Appointment of Counsel. ECF Nos. 61, 72, 74, 76.

In accordance with Federal Rule of Civil Procedure 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 judgment must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision." Fed. R. Civ. P. 72(a). The standard for review for a non-dispositive order with objections is "clearly erroneous" or "contrary to law." *Id.*; 28 U.S.C. § 636(b)(1)(A) (applying the "clearly erroneous or contrary to law" standard of review for non-dispositive 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).

The Court has reviewed Judge Beckerman's orders, ECF Nos. 61 and 74, and concludes that Judge Beckerman's decision is not contrary to law nor is it clearly erroneous. Further, the objections raised by Plaintiff, ECF No. 76, do not provide a basis to modify Judge Beckerman's order denying Plaintiff's motion for appointment of counsel.

It is so ORDERED and DATED this 18th day of January, 2023.

/s/Ann Aiken
Ann Aiken
U.S. District Judge