

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GREGORY A SHANAFELT,

No. 3:14-cv-01722-ST

Plaintiff,

v.

DAVID HOLLANDER, JEFF GERNER, of  
SAIF CORP., THOMAS SHERIDAN of  
EMPIRE PACIFIC RISK MANAGEMENT,  
INC.,

ORDER

Defendant.

HERNANDEZ, District Judge,

On February 6, 2015, Magistrate Judge Stewart issued two Orders (#34, #36) in which she struck Plaintiff's Motion for Discovery because Plaintiff is able to request documents from the opposing parties pursuant to Federal Rule of Civil Procedure 34 (Order #34), and in which she struck Plaintiff's Second Amended Complaint because Plaintiff failed to failure to comply with Federal Rule of Civil Procedure 15(a)(2) requiring either the opposing party's written consent or the Court's leave prior to filing an amended complaint after the opposing parties have appeared (Order #36).

1 - ORDER

On February 13, 2015, Plaintiff filed objections to the Orders. The matter is now before 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 Plaintiff's objections and conclude they do not provide a basis to modify the Magistrate Judge's Order.

#### CONCLUSION

The Court AFFIRMS Magistrate Judge Stewart's Orders [34] and [36].

IT IS SO ORDERED.

DATED this 25 day of February, 2015.

  
MARCO A. HERNANDEZ  
United States District Judge