

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHANTUBHAI N. SHAH,

No. 3:17-cv-00226-JE

Plaintiff,

v.

MEIER ENTERPRISES, INC., a Washington
Corporation, et al.,

ORDER

Defendants.

HERNANDEZ, District Judge,

On June 16, 2017, Magistrate Judge Jelderks issued an Opinion & Order (#27), in which he denied Plaintiff's motion to remand this case to state court and denied Plaintiff's motion for entry of default. On June 28, 2017, Plaintiff filed objections to the Opinion & Order. 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/do provide a basis to modify the Magistrate Judge's Opinion & Order.

CONCLUSION

The Court AFFIRMS Magistrate Judge Jelderks's Order [27].

IT IS SO ORDERED.

DATED this 1 day of August, 2017.



MARCO A. HERNANDEZ
United States District Judge