IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PAUL JULIAN MANEY, **6:15-CV-00259-JE**

Petitioner, **ORDER**

v.

ROB PERSSON,

Respondent.

BROWN, Judge.

On November 21, 2016, Magistrate Judge John Jelderks issued an Order (#57) denying Petitioner Paul Julian Maney's Motion (#48) for Discovery. Petitioner filed Objections to the Order. The matter is now before this Court 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." The standard of

review for an order with objections is "clearly erroneous" or "contrary to law." *See also* 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 the *de novo* review that is required for proposed findings and recommendations that address dispositive motions. *See* Title 28 U.S.C. § 636(b)(1)(B).

This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Magistrate Judge's Order. This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error.

CONCLUSION

The Court **AFFIRMS** Magistrate Judge Jelderks's Order (#57) denying Petitioner's Motion (#48) for Discovery.

IT IS SO ORDERED.

DATED this ~~19th~~ 23rd day of January, 2017.

ANNA J. BROWN
United States District Judge