

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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Eric Andrew Rieb,

Plaintiff,

vs.

Warden Robert M. Stevenson, III; Lt.
Edward Hambrick; and Capt. Percy Jones,

Defendants.

Civil Action No.: 1:11-cv-425-RMG

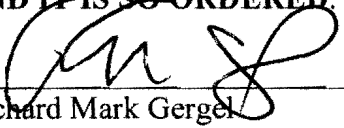
ORDER

Plaintiff Eric Andrew Rieb, currently an inmate at Broad River Correctional Institution, brings this action *pro se* and *in forma pauperis*. In his complaint, Plaintiff alleges violations of his rights pursuant to 28 U.S.C. § 1983. (Dkt. No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) and (e) DSC, this matter was referred to the United States Magistrate Judge for all pretrial proceedings. On February 13, 2012, Plaintiff filed a motion for an extension of time requesting that the Court extend all deadlines of the Court’s present scheduling order by approximately four months. (Dkt. No. 65). On March 1, 2012, Defendants filed a response in opposition to Plaintiff’s motion. (Dkt. No. 69). On March 15, 2012, the Magistrate Judge issued a Text Order denying Plaintiff’s motion. (Dkt. No. 72). On April 17, 2012, Plaintiff filed a document entitled “Application for Interlocutory Appeal,” in which Plaintiff requests that this Court find that the Magistrate Judge’s decision to deny Plaintiff’s motion for an extension of time was clearly erroneous. (Dkt. No. 81).

Title 28, subsection 636(b)(1)(A) of the United States Code provides that this Court may designate a Magistrate Judge to hear and determine any pretrial matter pending before the Court,

subject to certain exceptions not applicable here. 28 U.S.C. § 636(b)(1)(1). This subsection also provides: “A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” *Id.* The Court has considered Plaintiff’s and Defendants’ arguments, and the Court finds that the Magistrate Judge’s decision to deny Plaintiff’s motion for an extension of time was not clearly erroneous or contrary to law. Thus, the Court denies the motion to overturn the Magistrate Judge’s decision, and Plaintiff’s appeal is denied. (Dkt. No. 81).

~~AND IT IS SO ORDERED.~~


Richard Mark Gergel
United States District Court Judge

April 10, 2012
Charleston, South Carolina