

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

ERICKA HASAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 3:14-cv-2404
	)	Judge Trauger
JEREMY GANN AND MICKIE RYNOR,	)	Magistrate Judge Holmes
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

The pro se plaintiff has filed a Motion for Review (Docket No. 71), objecting to the magistrate judge’s Order denying her request to appoint counsel (Docket No. 68).

This is an objection to a ruling on a non-dispositive matter. As such, the district court must review the objection and affirm the magistrate judge’s ruling, unless the movant demonstrates that the ruling is “clearly erroneous” or “contrary to law.” Rule 72(a) Federal Rules of Civil Procedure. The “clearly erroneous” standard does not empower a reviewing court to reverse a magistrate judge’s finding because it would have decided the matter differently. *Anderson v. Bessemer City, N.C.*, 470 U.S. 564, 573-74 (1985). Instead, the standard is met when, despite the existence of evidence to support the finding, the court, upon reviewing the record in its entirety, “is left with the definite and firm conviction that a mistake has been committed.” *United States v. U.S. Gypsum Co.*, 33 U.S. 364, 395 (1948).

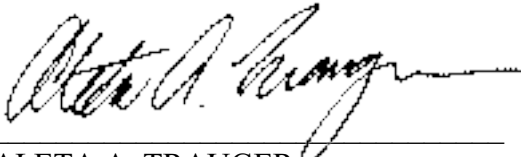
The court has reviewed the filings of this pro se plaintiff and agrees with the magistrate judge that, despite her mental health condition, she has been able to present her position adequately before the court. Therefore, “exceptional circumstances” do not exist, and the denial of the appointment of counsel for her will not result in any fundamental unfairness to the

plaintiff. An additional ground for denying her request to appoint counsel is that she makes clear that she “is not asking for appointment of attorney because she is indigent.” (Docket No. 71 at 2). Therefore, if the plaintiff is concerned about presenting her own case to the court, she should retain counsel to represent her in this case.

For these reasons, the plaintiff’s Motion for Review (Docket No. 71) is DENIED.

It is so **ORDERED**.

Enter this 14<sup>th</sup> day of April 2016.



---

ALETA A. TRAUGER  
U.S. District Judge