

erroneous or contrary to law standard. In reviewing a magistrate judge’s nondispositive order, a district court must “modify or set aside any part of the order that is clearly erroneous or is contrary to law.”¹ “The clearly erroneous standard . . . requires that the reviewing court affirm unless it on the entire evidence is left with the definite and firm conviction that a mistake has been committed.”²

II. DISCUSSION

Plaintiff objects to the Magistrate Judge’s Order and asks the Court to order “(1) [the] US Marshal to communicate USM 285 for defendants; and (2) Weber County defendants to produce evidence demanded in Plaintiff’s Rule 34 and 33; (3) Ogden and Weber Count defendants to cease any direct or indirect contact with Plaintiff other than what is necessary by way of their attorney representation; and (4) additional relief the court deems just and proper in Plaintiff’s favor and in the interest of protecting her safety.”³

The Court has considered the filings, the Magistrate Judge’s Order, and Plaintiff’s Objection. First, to the extent Plaintiff’s requested relief to this Court extends beyond that requested of the Magistrate Judge, those arguments are deemed waived and are not properly before this Court.⁴ Accordingly, the Court declines to grant the newly requested relief. Second,

¹ Fed. R. Civ. P. 72(a).

² *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 354, 395 (1948) (internal quotation marks omitted)).

³ Docket No. 127, at 2.

⁴ *Gilbert v. United States Olympic Comm.*, 423 F. Supp. 3d 1112, 1125 (D. Colo. 2019) (“Parties may not raise in their objections any novel arguments that they did not raise before the magistrate judge. Such arguments are deemed waived.”) (citing *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996)).

the Court finds that Plaintiff's Objection fails to show the Magistrate Judge's Order is clearly erroneous or contrary to law. Having done so, the Court will overrule Plaintiff's Objection to the Magistrate Judge's Order.

III. CONCLUSION

It is therefore

ORDERED that Plaintiff's Objection (Docket No. 127) is OVERRULED.

DATED this 26th day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Ted Stewart", is written over a horizontal line.

Ted Stewart
United States District Judge