

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JAMES LINLOR,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:17-cv-0013 (AJT/JFA)
)	
MICHAEL POLSON)	
)	
Defendant.)	
_____)	

ORDER

On December 6, 2017, the Magistrate Judge issued his Proposed Findings of Fact and Recommendations [Doc. No. 223] with respect to Plaintiff’s Dispositive Motion to Determine Spoliation of Evidence and Appropriate Sanctions [Doc. No. 210] (the Motion”). On December 19, 2017, Plaintiff filed Plaintiff’s Motion for Appeal to Findings of Fact (Judicial Notice of Spoliation) [Doc. No. 240] (the “Objections”), which the Court has construed as objections to the Magistrate Judge’s Proposed Findings of Fact and Recommendations pursuant to Fed. R. Civ. P. 72(b)(2). On January 3, 2018, Defendant filed his Memorandum of Law in Opposition to Plaintiff’s Motion for Appeal to Finding of Fact (Judicial Notice of Spoliation) [Doc. No. 260] (“Opposition”).

In the Objections, Plaintiff makes various allegations against Defendant, non-party Transportation Security Administration (“TSA”), and TSA manager William Whetsell related to their duty to preserve evidence. Specifically, Plaintiff objects to the Magistrate Judge’s Proposed Findings of Fact and Recommendations on the grounds that the Magistrate Judge’s analysis did not consider: (1) the relevant case law, (2) material misrepresentations made in court filings by

Defendant and non-party Transportation Security Administration (“TSA”), and (3) the obligations of “Spoilers” to preserve evidence.

The Court has reviewed *de novo* the record pertaining to Plaintiff’s Objections and finds that the Magistrate’s proposed findings of fact are fully supported by the record and reflect its own findings based on that *de novo* review. It also concludes that the Magistrate Judge’s recommendations reflect the Court’s own conclusions following its *de novo* review of the Objections as the appropriate disposition of Plaintiff’s Motion. For these reasons, the Court adopts and incorporates by reference herein the Magistrate Judge’s Proposed Findings of Fact and Recommendations [Doc. No. 223]. Accordingly, it is hereby

ORDERED that Plaintiff’s Motion for Appeal to Findings of Fact (Judicial Notice of Spoliation) [Doc. No. 240] be, and the same hereby are, DENIED and the objections contained therein OVERRULED; and it is further

ORDERED that Plaintiff’s Dispositive Motion to Determine Spoliation of Evidence and Appropriate Sanctions [Doc. No. 210] be and the same hereby is, DENIED.

The Clerk is directed to forward copies of this Order to all counsel of record and to the *pro se* Plaintiff.



/s/
Anthony J. Trenga
United States District Judge

Alexandria, Virginia
February 1, 2018