

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JACINTO VICTOR ALVAREZ, JOSEPH
BRODERICK, MARLENE CANO, JOSE
CRESPO-VENEGAS, NOE
GONZALEZ-SOTO, VICTOR LARA-
SOTO, RACQUEL RAMCHARAN,
GEORGE RIDLEY, MICHAEL JAMIL
SMITH, LEOPOLDO SZURGOT, JANE
DOE, on behalf of themselves and those
similarly situated,

Plaintiffs-Petitioners,

v.

CHRISTOPHER J. LAROSE, Senior
Warden, Otay Mesa Detention Center, et
al.,

Defendants-Respondents.

Case No.: 20-cv-00782-DMS (AHG)

**ORDER OVERRULING
DEFENDANTS' OBJECTION TO
DISCOVERY ORDER**

This case comes before the Court on Defendants' objection to Magistrate Judge Alison Goddard's September 18, 2020 Amended Order Resolving Joint Motion for Determination of Rule 34 Site Inspection Discovery Dispute, Granting in Part and Denying in Plaintiff Plaintiffs' Motion for a Rule 34 Site Inspection. Plaintiffs filed an opposition to the objection, and Defendants filed a reply. After reviewing these briefs, the Magistrate

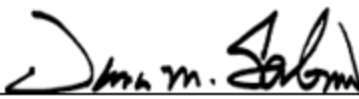
1 Judge's Order and the relevant case law, the Court overrules Defendants' objection.

2 A magistrate judge's decision on a nondispositive issue is reviewed by the district
3 court under the "clearly erroneous or contrary to law" standard. 28 U.S.C. § 636(b)(1)(A);
4 *United States v. Raddatz*, 447 U.S. 667, 673 (1980); *Bhan v. NME Hospitals, Inc.*, 929 F.2d
5 1404, 1414 (9th Cir. 1991). "A finding is 'clearly erroneous' when although there is
6 evidence to support it, the reviewing court on the entire record is left with the definite and
7 firm conviction that a mistake has been committed." *United States v. United States*
8 *Gypsum Co.*, 333 U.S. 364, 395 (1948). In contrast, the "contrary to law" standard permits
9 independent review of purely legal determinations by a magistrate judge. *See e.g., Haines*
10 *v. Liggetts Group, Inc.*, 975 F.2d 81, 91 (3d Cir. 1992); *Medical Imaging Centers of*
11 *America, Inc. v. Lichtenstein*, 917 F.Supp. 717, 719 (S.D. Cal. 1996). Thus, the district
12 court should exercise its independent judgment with respect to a magistrate judge's legal
13 conclusions. *Gandee v. Glaser*, 785 F.Supp. 684, 686 (S.D. Ohio 1992).

14 Defendants' objection to the Magistrate Judge's Order does not establish that the
15 Magistrate Judge's ruling was either clearly erroneous or contrary to law. Accordingly,
16 the Court overrules Defendants' objection to the Magistrate Judge's Order.

17 **IT IS SO ORDERED.**

18 Dated: March 4, 2021

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21 Hon. Dana M. Sabraw, Chief Judge
22 United States District Court
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