

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>BILL HOPSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL ACTION</b>
<b>v.</b>	)	
	)	<b>Case No. 07-2232-CM</b>
<b>DEFFENBAUGH DISPOSAL SERVICE,</b>	)	
<b>INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**MEMORANDUM AND ORDER**

This race discrimination case is in the discovery stage of litigation. The magistrate judge assigned to the case, Judge O’Hara, recently issued an order sanctioning plaintiff Bill Hopson for failing to obey court discovery orders. Judge O’Hara ordered plaintiff to pay defendant Deffenbaugh Disposal Service, Inc.’s reasonable fees and expenses incurred in filing its original motion to compel discovery, its motion to compel compliance with the court’s subsequent order on the motion to compel, and the ensuing motion for sanctions. Plaintiff has now filed a motion asking this court to review Judge O’Hara’s order imposing sanctions (Doc. 61).

Motions for discovery sanctions are nondispositive motions.<sup>1</sup> *See* D. Kan. R. 6.1(d)(1) (defining nondispositive motions as “motions which are not motions to dismiss or for summary judgment”). The standard of review under which a district court reviews a magistrate judge’s decision on a nondispositive motion is the “clearly erroneous or contrary to law standard.” *First Union Mortgage Corp. v. Smith*, 229 F.3d 992, 995 (10<sup>th</sup> Cir. 2000) (citing 28 U.S.C. §

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<sup>1</sup> Although defendant requested dismissal of the case as a sanction, Judge O’Hara denied this form of relief, making his order a non-final pretrial order. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D. Kan. R. 72.1.1(c).

636(b)(1)(A)). This standard requires the district court to affirm the magistrate judge's decision unless it is "left with the definite and firm conviction that a mistake has been committed." *Burton v. R.J. Reynolds Tobacco Co.*, 200 F.R.D. 661, 667 (D. Kan. 2001) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)).

The court has reviewed Judge O'Hara's order, the relevant law, and the parties' briefs on the original motion for sanctions and the instant motion. Judge O'Hara cogently discussed and applied the appropriate legal guidelines for sanctions. His resolution of the issue is reasonable and warranted under the circumstances. Plaintiff offers no valid reason or argument why Judge O'Hara's order is clearly erroneous or contrary to law. The court denies plaintiff's motion.

**IT IS THEREFORE ORDERED** that plaintiff's Motion for Review of Order (Doc. 61) is denied.

Dated this 1<sup>st</sup> day of April 2008, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**