

59.2 Objections to Magistrate Judge's Order or Findings and Recommendations.

- (a) **Statement of Objections.** A party may object to a magistrate judge's order in a nondispositive matter or findings and recommendations in a dispositive matter by filing a "Statement of Objections to Magistrate Judge's Order" or "Statement of Objections to Magistrate Judge's Findings and Recommendations" within 14 days after being served with the order or findings and recommendations, unless the order or recommendation states a different time. The party must specify (1) the parts of the order or findings and recommendations to which the party objects and (2) the legal basis of the objections. The statement of objections should also indicate whether the party relies on a previously or newly filed brief. A party may not merely reference or refile the original brief submitted to the magistrate judge. A party's failure to state a legal argument supporting objections to an order may be considered an abandonment of the party's objections. Unless ordered otherwise, an opposing party may file an opposing brief within 14 days of being served with the statement of objections. This brief may refer to previously filed briefs.
- (b) **Evidence.** If evidentiary materials were filed or received in evidence when the matter was before the magistrate judge, the parties need not refile or re-offer the materials and may refer to them in their legal arguments.

 - (1) **Orders.** A party may not offer additional evidentiary materials without a court order.
 - (2) **Findings and Recommendations.** A party may not offer additional evidentiary materials; however, if the magistrate judge held an evidentiary hearing, the objecting party may request a supplemental hearing to offer additional evidence. The district judge may hold the supplemental hearing if the party shows good cause why the evidence was not presented to the magistrate judge.
- (c) **No Stay of Order Pending Resolution of Objections.** The filing of a statement of objections to an order does not stay the magistrate judge's order pending resolution of the statement of objections. The magistrate judge whose order is objected to decides a motion for stay pending the resolution of the statement of objections. If the magistrate judge denies the motion for stay, the party may address the motion to the assigned district judge.
- (d) **Findings and Recommendations; Remand.** If the district judge remands the matter to the magistrate judge, the magistrate judge's subsequent

recommendation is also subject to objection under this rule.

- (e) **Findings and Recommendations; Failure to Object.** Failure to object to a finding of fact in a magistrate judge's recommendation may be construed as a waiver of the right to object from the district judge's order adopting the recommendation of the finding of fact.
- (f) **Appeals of Detention or Release Orders.** An appeal of a magistrate judge's release or detention order is brought to a district judge under 18 U.S.C. § 3145 and NECrimR 46.2. Nebraska Criminal Rule 59.2 does not apply.