

## **72.2 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 recommendation in a dispositive matter by filing a "Statement of Objections to Magistrate Judge's Order" or "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 objecting party relies on a previously or newly filed brief. 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. The objecting party may not file a reply brief without the court's leave.

### **(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) Nondispositive Orders.**

A party may not offer additional evidentiary materials without a court order.

#### **(2) Dispositive Orders.**

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 Nondispositive Order Pending Resolution of Objections.**

The filing of a statement of objections to a nondispositive 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) Nondispositive Orders; Consent Cases Excluded.**

A party may not object to a nondispositive order of a magistrate judge in which the parties consented to proceed before a magistrate judge. See NECivR 73.1.

**(e) Dispositive Orders; Remand.**

If the district judge remands a dispositive matter to the magistrate judge, the magistrate judge's subsequent recommendation is also subject to objection under this rule.

**(f) Dispositive Orders; 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 to the district judge's order adopting the recommendation of the finding of fact.