

**HOW TO FILE YOUR WRITTEN OBJECTIONS
TO THE MAGISTRATE JUDGE'S
PROPOSED FINDINGS OF FACT AND REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b)(1) and the Local Rules of Civil Procedure 72.3(a)(2) and (3), you may serve on opposing counsel and file with the Court written Objections to the Proposed Findings of Fact and Report and Recommendation within ten (10) days of the date on which you served with the Proposed Findings of Fact and Report and Recommendation.

***FAILURE TO FILE TIMELY WRITTEN OBJECTIONS WILL RESULT IN
THE PROPOSED FINDINGS OF FACT AND REPORT AND RECOMMENDATION
BECOMING THE FINAL ORDER OF THE COURT.***

The Written Objections

Your Objections, which must be in writing and signed by you, must state plainly the specific matters contained in the Proposed Findings of Fact and Report and Recommendation to which you object. Your Objections must also clearly set forth the manner in which the Proposed Findings of Fact and Report and Recommendation is clearly erroneous or contrary to law, and should include the basis for your objection with support from legal authority. See Local Rules of Civil Procedure 72.3(a)(2) and (3).

Time for Filing the Written Objections

The time for filing your Objections is no later than ten (10) days from the date on which you were served with the Proposed Findings of Fact and Report and Recommendation. This time for filing may be extended by direction of the District Judge assigned to your case. See Local Rules of Civil Procedure 72.3(a)(3). Therefore, if you need an extension of time to file your Objections, you should make your request as soon as possible.

Service Upon Opposing Counsel, With Affidavit/Affirmation of Service Required

The Objections must be served on opposing counsel in your case, and then filed in this Court with an Affidavit/Affirmation of Service. Failure to include the Affidavit/Affirmation of Service with the Objections may cause a delay in the filing while the Court requests the Affidavit/Affirmation of Service from you.

After Your Objections Have Been Filed

The District Judge will review the Proposed Findings of Fact and Report and Recommendation, together with your Objections, and shall make a *de novo* determination of those portions of the report or specific proposed findings of fact to which objection was made. The District Judge will then issue an order accepting, rejecting, or modifying, in whole or in part, the findings or recommendations of the Magistrate Judge. The District Judge may also choose to receive further evidence or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).