

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MICHAEL EDWARD BUFKIN,

Plaintiff,

v.

Case No: 2:17-cv-281-FtM-29CM

SCOTTRADE, INCORPORATED,  
JACOB J. LEW, Secretary, the  
Department of the Treasury,  
TIMOTHY F. GEITHNER, JOHN  
KOSKINEN, Commr, Internal  
Revenue Service, DOUGLAS  
SHULMAN, Commr, Internal  
Revenue Service, STEVEN T.  
MILLER, Acting Commr,  
Internal Revenue Service,  
DANIEL WERFEL, Acting Commr,  
Internal Revenue Service,  
WILLIAM J. WILKINS, Chief  
Counsel, Internal Revenue  
Service, C.D. BAILEY,  
Revenue Officer, Internal  
Revenue Service, CALVIN  
BYRD, Revenue Officer,  
Internal Revenue Service,  
officially and individually,  
and UNITED STATES OF  
AMERICA,

Defendants.

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**OPINION AND ORDER**

This matter comes before the Court on plaintiff's Motion to Strike (Doc. #56) filed on December 12, 2017. Plaintiff seeks to strike the Magistrate Judge's November 27, 2017 Order (Doc. #54) because he argues that he did not consent to the Magistrate Judge's

authority in the case. For the reasons stated below, the motion will be denied.

The Court will treat the motion as an appeal from the Magistrate Judge's November 27, 2017, Order (Doc. #54). In that Order, the Magistrate Judge granted defendants' request for a stay of discovery, stayed discovery pending resolution of the pending dispositive motions, and denied plaintiff's request for limited jurisdictional discovery. This is a pretrial matter that is not dispositive to the case.

A magistrate judge's powers and jurisdiction are provided in 28 U.S.C. § 636. Pursuant to 28 U.S.C. § 636(b)(1)(A), the Court may designate a Magistrate Judge to hear and determine any pretrial matter, and thereafter reconsider or review the pretrial matter if "shown that the magistrate judge's order is clearly erroneous or contrary to law." See also Fed. R. Civ. P. 72 (providing that a party may file objections to the order within 14 days of its service). "A magistrate judge may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States." 28 U.S.C. § 636(b)(3).

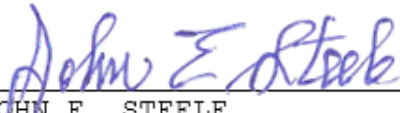
The Court finds that the magistrate judge had the authority to issue the Order to stay discovery, and further that it was not clearly erroneous or contrary to law to do so.

Accordingly, it is now

**ORDERED:**

Plaintiff's Motion to Strike (Doc. #56) is **DENIED**.

**DONE and ORDERED** at Fort Myers, Florida, this 18th day  
of December, 2017.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Plaintiff  
Counsel of Record