

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DONALD JONES,

Plaintiff,

v.

Case No: 2:18-cv-649-FtM-38UAM

BANK OF AMERICA and REVERSE  
MORTGAGE SOLUTIONS, INC.,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is Plaintiff Donald Jones' Motion/Objection to Magistrate Judge Carol Mirando's Malicious Order filed on January 30, 2019. ([Doc. 44](#)). Defendants Bank of America and Reverse Mortgage Solutions, Inc. have not responded, and the time to do so has expired. For the following reasons, Jones' objection is overruled.

Pursuant to [28 U.S.C. § 636\(b\)\(1\)\(A\)](#), the Court may reconsider the magistrate judge's order on a pretrial matter if shown that it was "clearly erroneous or contrary to law." This Court "may also receive further evidence or recommit the matter to the magistrate judge with instructions." [28 U.S.C. § 636\(b\)\(1\)](#). Jones objects to a "malicious order" issued by Judge Mirando but, even liberally construing Plaintiff's motion, the Court

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is unable to identify which order he places under scrutiny. ([Doc. 44](#)). In particular, Jones does not state which order he finds clearly erroneous or contrary to law, and Plaintiff's statements do not correlate to any order on the docket. Because Plaintiff fails to show a matter that is clearly erroneous or contrary to law, his objection is overruled.

Accordingly, it is now

**ORDERED:**

Plaintiff Donald Jones' Motion to Judge Chappell Objection to Magistrate Judge Carol Mirando's Malicious Order ([Doc. 44](#)) is **DENIED without prejudice**.

**DONE** and **ORDERED** in Fort Myers, Florida this 25th day of February, 2019.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record