

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 2:21-cr-83-TPB-NPM

MARK A. GYETVAY,

Defendant.

**ORDER OVERRULING “DEFENDANT’S OBJECTIONS TO MAGISTRATE
JUDGE’S ORDER GRANTING ISSUANCE OF A RULE 17(C) SUBPOENA
(DOC. 130) FILED SEPTEMBER 7, 2022”**

This matter is before the Court on “Defendant’s Objections to Magistrate Judge’s Order Granting Issuance of a Rule 17(c) Subpoena (Doc. 130) Filed September 7, 2022,” filed on September 21, 2022. (Doc. 141). On October 5, 2022, the Government filed a response. (Doc. 146). In his September 7, 2022, Order, United States Magistrate Judge Nicholas P. Mizell granted the Government’s request for issuance of a Rule 17(c) subpoena (Doc. 71), as modified by the Government’s concessions during a hearing. (Doc. 130).

A party may file objections to a magistrate judge’s order on a non-dispositive pretrial matter within fourteen days after service of the order. Fed. R. Crim. P. 59(a). When objections are filed, the district court “must consider timely objections and modify or set aside any part of the order that is contrary to law or clearly erroneous.” *Id.*

After an independent and *de novo* review of the record, the undersigned concurs with Judge Mizell. Judge Mizell’s September 7, 2022, Order is neither

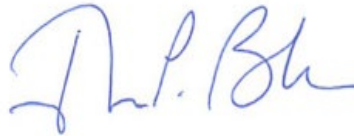
clearly erroneous nor contrary to law. Consequently, Defendant's objections are overruled, and Judge Mizell's September 7, 2022, Order shall remain the Order of the Court.

It is therefore

ORDERED, ADJUDGED, and DECREED:

(1) Defendant's objections (Doc. 141) are **OVERRULED**, and Judge Mizell's September 7, 2022, Order (Doc. 130) shall remain the Order of the Court.

DONE and ORDERED in Chambers, in Fort Myers, Florida, this 19th day of December, 2022.



TOM BARBER
UNITED STATES DISTRICT JUDGE