

United States Court of Appeals
For the Eighth Circuit

No. 14-2605

Joel H. Wetzel

Plaintiff - Appellant

v.

Daniel Brown; Brian Koskovich; Jeremy Moser; Corey Lee

Defendants - Appellees

William A. Herauf; Thomas Henning; James Hope; Kevin McCabe; Chuck
Rummel; Clarence Tuhy; David Wallace; Terry Oesterich; S. A. Helfrich; Joe
Cianni; Criss Coats; David Wilke; Nick Gates

Defendants

Appeal from United States District Court
for the District of North Dakota - Bismarck

Submitted: November 21, 2014

Filed: January 5, 2015

[Unpublished]

Before WOLLMAN, BYE, and MELLOY, Circuit Judges.

PER CURIAM.

State inmate Joel Wetzel appeals the magistrate judge's¹ order denying Wetzel's motion (1) to reconsider the denial of his motion to compel discovery and (2) for a hearing. The designated order, however, was issued by a magistrate judge, the parties did not consent to proceed before a magistrate judge, and Wetzel did not first seek review by the district court. Accordingly, this matter is not properly before us. See LeGear v. Thalacker, 46 F.3d 36, 36-37 (8th Cir. 1995) (per curiam). In so holding, we of course do not suggest that the order denying the motion would have been appealable had it been reviewed by the district court. The appeal is dismissed.

¹The Honorable Charles S. Miller, Jr., United States Magistrate Judge for the District of North Dakota.