

United States Court of Appeals  
For the Eighth Circuit

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No. 14-2605

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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*

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

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Submitted: November 21, 2014

Filed: January 5, 2015

[Unpublished]

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Before WOLLMAN, BYE, and MELLOY, Circuit Judges.

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PER CURIAM.

State inmate Joel Wetzel appeals the magistrate judge's<sup>1</sup> 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.

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