

FILED '10 DEC 27 13:58 USDC-ORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ALLEN LAMONT JAMES,

Petitioner,

Civ. No. 10-202-CL

v.

**OPINION AND ORDER**

DON MILLS,

Respondent.

**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983). I conclude that the R and R is correct.

Magistrate Judge Clarke's Report and Recommendation (#20) is adopted. Respondent's Motion to Dismiss Without Prejudice (#17) is

DENIED. The Clerk of Court is directed to enter an order staying this proceeding and setting a case status check one year from the date of this order.

IT IS SO ORDERED.

DATED this 27 day of December, 2010.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE