

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

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|---------------------------------|---|--------------------------------------|
| DANNY WAYNE DONALDSON, |) | No. 2:12-cv-00080-SU |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | OPINION AND ORDER ADOPTING |
| |) | FINDINGS & RECOMMENDATION |
| GARY L WILLIAMS, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

SIMON, District Judge.

On September 6, 2012, Magistrate Judge Patricia Sullivan filed Findings and Recommendation (Dkt. 52) in this case. Judge Sullivan recommends dismissing Plaintiff Danny Wayne Donaldson’s Verified Complaint (Dkt. 6) and denying as moot all other pending motions. The matter is now before me pursuant to the Magistrates Act, 28 U.S.C. § 636(b)(1)(B), and Rule 72(b) of the Federal Rules of Civil Procedure. Under the Magistrates Act, the court may “accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R.

Civ. P. 72(b)(3); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). *De novo* review means that the court “considers the matter anew, as if no decision had been rendered.” *Dawson*, 561 F.3d at 933.

Plaintiff Donaldson filed objections to Judge Sullivan’s Findings and Recommendation, to which some of the defendants have filed a response. After *de novo* review of Judge Sullivan’s Findings and Recommendation, Plaintiff’s objections, and the response thereto, I ADOPT Judge Sullivan’s Findings and Recommendation (Dkt. 52) for the reasons stated therein. Accordingly, Plaintiff Donaldson’s Verified Complaint (Dkt. 6) is DISMISSED for lack of subject matter jurisdiction. Because of the immunity afforded to judges and trial court administrators, as explained by Judge Sullivan, Plaintiff’s claims are dismissed with prejudice as to Defendants Gary Williams, Daniel Ahern, George Neilson, Gary Thompson, Paul Lipscomb, Annette Hillman, and Amy Bonkosky; Plaintiff’s claims against all other Defendants are dismissed without prejudice. All other pending motions are DENIED AS MOOT, in particular Dkts. 20, 23, and 37.

Dated this 2nd day of November, 2012.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge