



1 in a party's objections to a Magistrate Judge's Findings and Recommendation." Aleck v. United  
2 States, 2005 WL 2709502, at \*1 (D. Or. 2005) (citing Jones v. Blanas, 393 F.3d 918, 935 (9th  
3 Cir. 2004) and United States v. Howell, 231 F.3d 615, 621-22 (9th Cir. 2000)). "[S]uch  
4 discretion has been exercised in this regard, especially when declining to address a new  
5 argument first raised in the objections." Id. (citing Howell, 231 F.3d at 621-22). Plaintiff's new  
6 argument was available to him at the time he filed his First Amended Complaint and/or the  
7 Opposition to the Motion to Dismiss, and Plaintiff offers no explanation for the failure to raise  
8 it earlier. (See, generally, Objections at 1-15.) Under the circumstances, the Court will exercise  
9 its discretion and decline to consider the new argument Plaintiff raised in his Objections. "Such  
10 a policy is reasonable since the referral mechanism is intended to help ease the heavy  
11 workloads of the district courts and to aid in the efficient resolution of disputes." ISM Sports,  
12 Inc. v. LEMONIA Gyro & Souvlaki, Inc., 2005 WL 1861308, at \*2 (E.D.N.Y. 2005); see also  
13 Howell, 231 F.3d at 622 ("To require a district court to consider evidence not previously  
14 presented to the magistrate judge would effectively nullify the magistrate judge's consideration  
15 of the matter and would not help to relieve the workload of the district court. . . . Equally  
16 important, requiring the district court to hear evidence not previously presented to the  
17 magistrate judge might encourage sandbagging.").

18 Plaintiff's remaining contentions in the Objections are without merit and warrant no  
19 comment.

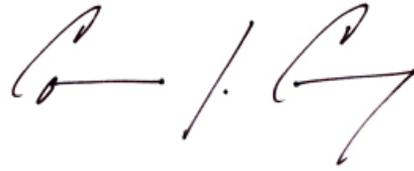
20 Based on the foregoing and pursuant to 28 U.S.C. § 636, the Court has reviewed the  
21 pleadings, the records on file, and the Report and Recommendation of the United States  
22 Magistrate Judge. Plaintiff has filed Objections, and the Court has engaged in a de novo review  
23 of those portions of the Report and Recommendation to which Plaintiff has objected. The Court  
24 accepts the findings and recommendations of the Magistrate Judge.

25 IT IS HEREBY ORDERED that: (1) Plaintiff's Motion to Stay is DENIED; (2) Plaintiff's  
26 Motion to Strike is DENIED; (3) Defendants' Motion to Dismiss Plaintiff's First Amended  
27 Complaint is GRANTED; (4) Plaintiff's Motion for Leave to Amend is DENIED; (5) Plaintiff's  
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1 claims are dismissed without prejudice; and (6) Judgment shall be entered dismissing this  
2 action without prejudice.

3 IT IS SO ORDERED.

4 DATED: March 18, 2014



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6 CORMAC J. CARNEY  
7 UNITED STATES DISTRICT JUDGE  
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