

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RICHARD K. TAYLOR, SR.,) CIVIL NO. 14-00223 HG-RLP
through his personal)
representative MELODY K.)
TAYLOR LINDSEY, MELODY K.)
TAYLOR LINDSEY,)
individually, RICHARD K.)
TAYLOR, JR., DONNETTA)
TAYLOR,)
Plaintiffs,)
vs.)
PATRICIA INGOGLIA,)
Trustee, of)
the Donald and Patricia)
Ingoglia Family Trust,)
ESTATE OF DONALD INGOGLIA,)
DOE PERSONAL)
REPRESENTATIVE, DOE)
DEFENDANTS 1-20,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION (ECF No. 55)

Findings and Recommendation (ECF No. 55) were filed and served on all parties on March 11, 2016. An objection was filed by Plaintiff on March 28, 2016. The Court finds that Plaintiff's objection was timely.

STANDARD OF REVIEW

A magistrate judge may be assigned to prepare

findings and recommendation for a district judge on a matter that is dispositive of a claim. Fed. R. Civ. P. 72(b)(1). If a party objects to the magistrate judge's findings and recommendation, the district court must review *de novo* those portions to which objection is made. United States v. Raddatz, 447 U.S. 667, 673 (1980); Fed. R. Civ. P. 72(b)(2). The district court may accept, reject, or modify, in whole or in part, the findings and recommendation made by the magistrate judge, or recommit the matter to the magistrate judge with further instructions. Raddatz, 447 U.S. at 673-74; Fed. R. Civ. Pro 72(b)(3).

De novo review means the district court must consider the matter anew, as if the matter had not been heard before and no previous decision rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). The district court must arrive at its own independent conclusion about those portions to which objections are made, but a *de novo* hearing is not required. United States v. Remsing, 874 F.2d 614, 617-18 (9th Cir. 1989).

ANALYSIS

Plaintiff has not raised any new arguments in his objections to the Magistrate Judge's Findings and Recommendation. The Court finds that the Magistrate Judge's order clearly and correctly sets forth the law applicable to the matter before the Court.

CONCLUSION

IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.2, the FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF RICHARD K. TAYLOR, JR.'S MOTION FOR RULE 60 RELIEF FROM JUDGEMENT OR ORDER (ECF No. 55) is adopted as the opinion and order of this Court.

IT IS SO ORDERED.

Dated: April 5, 2016, Honolulu, Hawaii.





Helen Gillmor
United States District Judge