

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

MICHAEL MOSS, *et al.*,

Plaintiffs,

vs.

UNITED STATES SECRET SERVICE, *et al.*,

Defendants.

Case No. 1:06-cv-03045-CL
ORDER

AIKEN, Judge:

Magistrate Judge Clarke filed his Findings and Recommendation (“F&R”) (doc. 349) on August 11, 2017. The matter is now before me. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. Because the subject of Judge Clarke’s F&R was an unopposed motion for preliminary approval of a class action settlement, no objections were filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final determination.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of

the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule). Having reviewed the file of this case, I find no clear error.

THEREFORE, IT IS HEREBY ORDERED that I ADOPT Judge Clarke’s F&R (doc. 349). The Unopposed Motion for Preliminary Approval of Class Action Settlement and Related Relief (doc. 347) is GRANTED. Class counsel is hereby directed to contact Courtroom Deputy Cathy Kramer at Cathy_Kramer@ord.uscourts.gov or (541) 431-4102 to set a date for a fairness hearing. Class counsel shall then proceed with the notice plan as outlined in the motion for preliminary approval of the settlement.

Dated this 21st day of September 2017.



Ann Aiken
United States District Judge