

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**

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AIKEN, Judge:

Magistrate Judge Clarke filed his Findings and Recommendation (“F&R”) (doc. 360) on February 27, 2018. 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. 360). The Unopposed Motion for Preliminary Approval of Class Action Settlement and Related Relief (doc. 358) is GRANTED. Class counsel is hereby directed to contact Courtroom Deputy Cathy Kramer at [Cathy\\_Kramer@ord.uscourts.gov](mailto: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 15 day of May 2018.



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Ann Aiken  
United States District Judge