

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

JAY BRIAN LONGLEY,
Plaintiff,

Civ. No. 11-3009-CL

v.

ORDER

WELLS FARGO BANK, N.A., et al.,
Defendants.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

After reviewing the legal issues *de novo*, I agree with Magistrate Judge Clarke that plaintiff has failed to state claims

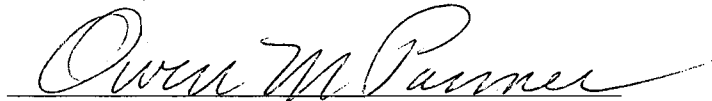
for quiet title, slander of title, RICO violations, or fraud or civil conspiracy. I also agree that plaintiff should be allowed to file an amended complaint, except as to the RICO claim, which must be dismissed with prejudice.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#25) is adopted. Defendants' motions to dismiss (##3, 6) are granted without prejudice except as to the RICO claim, which is dismissed with prejudice; plaintiff's motion for partial summary judgment (#20) is denied; and all other pending motions are denied as moot. Plaintiff's motion for continuance (#27) is denied as moot. Plaintiff has until May 30, 2011 to file an amended complaint, following the guidance of the Report and Recommendation.

IT IS SO ORDERED.

DATED this 28 day of April, 2011.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE