

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KENNETH WEBBER,

Plaintiff,

v.

FIRST STUDENT INC., et al.,

Defendants.

Case No. 1:11-cv-03032-CL

**ORDER**

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**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).

I have given the legal issues *de novo* review. I agree with Magistrate Judge Clarke that plaintiff cannot state a claim for violation of his equal protection rights under the United States

or Oregon constitutions, and that plaintiff's claim for violation of Article I, section 8 of the Oregon Constitution should be dismissed without prejudice. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#18) is adopted. Defendants' motions to dismiss (#8 & #10) are granted. Plaintiff has leave to amend the complaint in accordance with the Report and Recommendation.

IT IS SO ORDERED.

DATED this 4 day of August, 2011.

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

OWEN M. PANNER  
U.S. DISTRICT JUDGE