

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

RONALD H. KRAMER,

Plaintiff,

No. 1:13-cv-00340-CL

v.

**ORDER**

SOUTHERN OREGON UNIVERSITY, a  
public university, OREGON  
UNIVERSITY SYSTEM, a public  
university system, MARY CULLINAN,  
GEORGE PERNSTEINER,

Defendants.

**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and  
Recommendation (#25) and the matter is now before this court. See  
28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Defendants filed

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objections (#28), Plaintiff filed a response to Defendants' objections (#38), and I have reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

I have given this matter *de novo* review. I find no error. Accordingly, I ADOPT the Report and Recommendation (#25). Defendants' motions to dismiss Plaintiff's first and second claim are DENIED. Defendants' motion to dismiss Plaintiff's third claim is GRANTED. Plaintiff's third claim is DISMISSED without prejudice and with leave to file an amended complaint.

IT IS SO ORDERED.

DATED this 5 day of September, 2013.

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

OWEN M. PANNER  
U.S. DISTRICT JUDGE