

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LARRY PRESTININZI,

Plaintiff,

v.

BRANDON SMITHERS and
DAVID WEHNER

Defendants.

Civ. No. 1:16-cv-01723-CL

ORDER

MCSHANE, Judge:

Magistrate Judge Mark Clarke filed a Findings and Recommendation (#13), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72. Although neither party filed objections, I reviewed the legal principles *de novo*. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct. Magistrate Judge Clarke's Findings and Recommendation (#3) is adopted. The motion to dismiss (#6) is granted in part and denied in part.

IT IS SO ORDERED.

DATED this 28th day of March, 2017.

/s/ Michael J. McShane

Michael McShane
United States District Judge