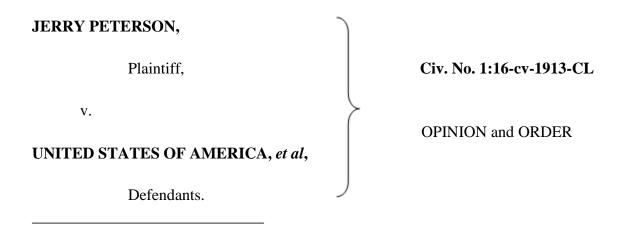
## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON



## MCSHANE, Judge:

Magistrate Judge Mark D. Clarke filed a Findings and Recommendation (ECF No. 11) 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 it is correct.

## 1 – OPINION AND ORDER

Therefore, Magistrate Judge Clarke's Findings and Recommendation (ECF No. 11) is adopted in its entirety, Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 6), is **GRANTED**, and this action is **DISMISSED with prejudice**.

IT IS SO ORDERED.

DATED this 10th day of March, 2017.

/s/ Michael J. McShane
Michael J. McShane
United States District Judge