Doc. 93

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

JERRY SMITH

Case No. 1:17-cv-00931-CL OPINION AND ORDER

Plaintiff,

vs.

CITY OF MEDFORD, OREGON

Defendant.

AIKEN, District Judge:

United States Magistrate Judge Mark Clarke issued his Findings and Recommendation ("F&R") (doc. 77) in this case on October 5, 2020. In the F&R, Judge Clarke recommended denying in part and granting in part defendant's Motion for Summary Judgment (doc. 51). The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections. Doc. 81. Accordingly, the Court must "make a de novo determination of those portions of the report or specified proposed findings

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or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Fed. R. Civ.

P. 72(b)(3); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v.

Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Before turning to plaintiff's objections, the Court will address the parties'

Motions to Supplement the Record (docs. 89, 92), which are also before the Court.

Having reviewed the briefing on these matters, the Court GRANTS the motions. The

Court has considered the supplemental evidence and concludes that they do not

provide a basis to modify or reject the F&R.

The Court has also carefully considered plaintiff's objections and the pertinent

portions of the record de novo and concludes that they do not provide any basis to

modify or reject the F&R. Finally, the Court has reviewed the remainder of the F&R

and record and find no errors in Judge Clarke's reasoning. Accordingly, the Court

ADOPTS the F&R (doc. 77).

IT IS SO ORDERED.

Dated this <u>30th</u> day of July 2021.

/s/Ann Aiken

Ann Aiken United States District Judge

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