

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

JEFFERY L. MADSEN and  
JULIE H. MADSEN,

Case 1:18-cv-00803-CL  
**ORDER**

Plaintiffs,

v.

BANK OF AMERICA N.A., *et al.*,

Defendants.

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AIKEN, District Judge:

Magistrate Judge Mark Clarke filed his Findings and Recommendation (“F&R”) (doc. 32) recommending that Defendant’s Motion to Dismiss (doc. 18) should be granted, that Plaintiff’s first and third claims be dismissed with prejudice, and that Plaintiff’s be allowed to file an amended complaint within 30 days to restate their claim under Section 1692f(6) of the Fair Debt Collection Practices Act. Plaintiff’s timely filed objections to the F&R (doc. 35). The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge’s F&R, the district court must make a de novo

determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), cert denied, 455 U.S. 920 (1982). Based on my review of the F&R and the documents in the case, I find no error in Judge Clarke's F&R and the parties' objections do not undermine Judge Clarke's analysis. Thus, I adopt the F&R (doc. 32) in its entirety. Accordingly, Defendant's Motion to Dismiss (doc. 18) is GRANTED. Plaintiffs' first and third claims are dismissed with prejudice and Plaintiffs shall have 30 days to file an amended complaint to restate their claim under Section 1692f(6) of the Fair Debt Collection Practices Act.

IT IS SO ORDERED.

Dated this 25<sup>th</sup> day of March, 2019.

  
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Ann Aiken  
United States District Judge