IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

WILEY SHREVE SWEARINGEN,

Plaintiff,

v.

STEVEN TERNER MNUCHIN, DAVID J. KAUTLER, CHERYL CARDERO, G.J. CARTER-LOUIS, UNITED STATES,

Defendants.

Case No. 1:19-cv-00586-CL

**ORDER**

AIKEN, District Judge:

Magistrate Judge Mark Clarke has filed his Findings and Recommendation ("F&R") (doc. 15) recommending that plaintiff's Motion to Remand (doc. 9) be denied and that defendants' Motion to Dismiss be granted. (doc. 8) This case 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). Plaintiff has filed timely objections (doc. 19) to the F&R and defendant's have filed a timely response to those objections. (doc. 20) Thus, this Court reviews the F&R *de novo.*

Having reviewed the objections as well as the entire file of this case, the Court finds no error in Judge Clarke's F&R. Thus, the Court adopts the F&R (doc. 15) in its entirety. Plaintiff's Motion for Remand (doc. 9) is DENIED, and defendants' Motion to Dismiss (doc. 8) is GRANTED. Accordingly, this action is dismissed, with prejudice.

It is so ORDERED this 19th day of September, 2019.

Ann Aiken
United States District Judge