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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID R. MCGUIRE and
ARLENE B. MCGUIRE,

08-CV-1098-AC

ORDER

Plaintiffs,

v.

CLACKAMAS COUNTY COUNSEL,
SCOTT CIECKO, JUDGE
RONALD E. CINNIGER,
KIM PRIEST, KEN SPIEGLE,
and CLACKAMAS COUNTY,

Defendants.

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BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#48) on August 27, 2009, in which he recommended the Court deny Dorothy H. Mead's Motion to Intervene (#27). Plaintiffs timely filed Objections to the Magistrate Judge's Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*); *United*

States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988).

This Court has carefully considered Plaintiffs' Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

In their Objections, Plaintiffs do not directly or specifically contend any particular portion of the Findings and Recommendations is erroneous. The Magistrate Judge concluded Mead should not be allowed to intervene in this matter on two grounds: (1) She did not file a pleading with her Motion as required by Federal Rule of Civil Procedure 24(b) and (2) she is seeking to intervene for the purpose of representing the interests of Crystal Springs Assembly Church. The Church already has been dismissed as a plaintiff for failure to pay the filing fee. In addition, churches are required to appear in court through an attorney, and, therefore, Mead may not represent the church's interests in this matter. *See Church of the New Testament v. U.S.*, 783 F.2d 771, 773-74 (9th Cir. 1986) (churches must appear in court through an attorney).

After reviewing the record *de novo* and Plaintiffs' Objections, the Court does not find any error in the Magistrate Judge's Findings and Recommendations.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#48) and, accordingly, **DENIES** Dorothy H. Mead's Motion to Intervene (#27).

IT IS SO ORDERED.

DATED this 30th day of September, 2009.



ANNA J. BROWN
United States District Judge