Potter v. Crosswhite Doc. 33

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

## PORTLAND DIVISION

MARK POTTER,

Civil Case No. 09-814-PK

Plaintiff,

ORDER

v.

## THOMAS CROSSWHITE,

Defendant.

Mark W. Potter Attorney at Law 9200 SE Sunnybrook Blvd., Suite 430 Clackamas, Oregon 97015

Pro Se Plaintiff

Mark E. Griffin Griffin & McCandlish 215 SW Washington Street, Suite 202 Portland, Oregon 97204

Attorney for Defendant

Page 1 - ORDER

KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and

Recommendation on July 29, 2010. Plaintiff filed timely objections to the Findings and

Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation

concerning a dispositive motion or prisoner petition, the district court must make a de novo

determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ.

P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309,

1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo

review of the rulings of Magistrate Judge Papak.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak (#29)

dated July 29, 2010 in its entirety.

IT IS HEREBY ORDERED that Crosswhite's Motion to Dismiss (#20) is granted. This

action is dismissed.

DATED this 20<sup>th</sup> day of September, 2010.

/s/ Garr M. King

GARR M. KING

United States District Judge