

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

TRUSTEES OF THE SERVICE)
EMPLOYEES INTERNATIONAL)
UNION LOCAL 49 WELFARE TRUST,)
)
Plaintiff,)
)
v.)
)
COAST INDUSTRIES, INC.,)
)
Defendant.)
_____)

No. **3:11-cv-1302-HU**

**OPINION AND ORDER ADOPTING
FINDINGS AND RECOMMENDATION**

SIMON, District Judge.

Magistrate Judge Dennis J. Hubel issued findings and recommendation in the above-captioned case on October 25, 2012. Dkt. 27. Judge Hubel recommended that Plaintiff’s Motion for Default Judgment, Dkt. 23, be granted. No party has filed objections.

Under the Federal Magistrates Act (“Act”), the court may “accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe a standard of review. In such cases, “[t]here is no indication that Congress . . . intended to require a district judge to review a magistrate’s report[.]” *Thomas v. Arn*, 474 U.S. 140, 152 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*), *cert. denied*, 540 U.S. 900 (2003) (the court must review *de novo* magistrate’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Hubel’s findings and recommendation for clear error on the face of the record. No such error is apparent. Therefore the court orders that Judge Hubel’s findings and recommendation, Dkt. 27, are ADOPTED. Plaintiff’s Motion for Default Judgment against Defendant, Dkt. 23, is GRANTED as follows: (1) Defendant is ordered to pay \$98.67 in interest and \$950.86 in liquidated damages based on its failure to make timely fringe benefit contributions to the Service Employees International Union 49 Welfare Trust, pursuant to the Trust Agreement; and (2) Defendant is ordered to pay attorney’s fees in the amount of \$2,782.50 and costs in the amount of \$433.75, pursuant to the Trust Agreement.

IT IS SO ORDERED.

Dated this 29th day of November, 2012.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge