

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARLA PERSON,

Plaintiff,

No. 3:13-cv-00283-JE

v.

ORDER

BANK OF AMERICA N.A.,

Defendant.

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Attorneys for Plaintiff

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1 - ORDER

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HERNANDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation [#14] on May 16, 2013, in which he recommends that the Court should grant Defendant's motion to dismiss for failure to state a claim and dismiss the action, without prejudice and with leave to re-file. Plaintiff timely filed objections to the Findings and Recommendation. The matter is now before me 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); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Plaintiff's objections and conclude that the objections do not provide a basis to modify the Findings and Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

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CONCLUSION

The Court adopts Magistrate Judge Jelderks' Findings and Recommendation [#16]. Therefore, Defendant's motion to dismiss [#5] is granted. This case is dismissed without prejudice and with leave to re-file.

IT IS SO ORDERED.

DATED this 28 day of June, 2013.


MARCO A. HERNANDEZ
United States District Judge