

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GREGORY BENTON,

No. 3:13-cv-00613-YY

Plaintiff,

v.

LEGACY HEALTH and CHRISTOPHER
McDONALD,

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation (#128) on August 11, 2017, in which she recommends that this Court deny Plaintiff's motion to strike and grant Plaintiff's alternative motion to dismiss counterclaims. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's

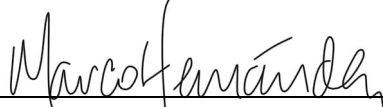
report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge You's Findings & Recommendation [128]. Accordingly, Plaintiff's Motion to Strike [111] is denied and Plaintiff's Alternative Motion to Dismiss [111] is granted.

IT IS SO ORDERED.

DATED this 12 day of Oct, 2017.


MARCO A. HERNANDEZ
United States District Judge