

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

**WILLIAM DILLON, SCOTT GRAUE,
DAVID HODGES, and ALBERT LOVE,**

Plaintiffs,

v.

**CLACKAMAS COUNTY and
CRAIG ROBERTS,**

Defendants.

Case No. 3:14-cv-820-YY

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Michael H. Simon, District Judge.

United States Magistrate Judge Youlee Yim You issued Findings and Recommendations in this case on April 20, 2020. ECF 221. Judge You recommended that Defendants' motion for summary judgment (ECF 210) be granted in full and the case be dismissed with prejudice.

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 objects to a magistrate judge'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).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge's findings and recommendations if objection is made, "but not otherwise"). Although in the absence of objections no review is required, 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 judge's recommendations for "clear error on the face of the record."

Plaintiffs timely filed objections (ECF 223), to which Defendants responded. ECF 224. Plaintiffs object to the entirety of Judge You's Findings and Recommendation. The Court has reviewed Judge You's Findings and Recommendation *de novo* and adopts them. The Court GRANTS Defendants' Motion for Summary Judgment (ECF 210) and DISMISSES this case with prejudice.

IT IS SO ORDERED.

DATED this 19th day of May, 2020.

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