IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

TYRONE BLOCKER,

Plaintiff,

v.

UNIVERSAL MUSIC CORPORATION; BANDMINE, INC.; SNOCAP, INC.; and EBAY INC.,

Defendants.

Case No. 3:14-cv-01650-SB

ORDER ADOPTING FINDINGS AND RECOMMENDATION

Michael H. Simon, District Judge.

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on December 15, 2015. Dkt. 76. Judge Beckerman recommended that the Court grant the pending motions to dismiss filed by eBay Inc. and Universal Music Corporation (Dkts. 60, 63), find that Plaintiff has also failed to state a claim against the non-moving defendants Bandmine, Inc. and SnoCap, Inc., and enter a judgment dismissing this case in its entirety with prejudice. 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 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'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 Judge Beckerman's Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Judge Beckerman's Findings and Recommendation, Dkt. 76. The motions to dismiss filed by eBay Inc. and Universal Music Corporation (Dkts. 60, 63) are GRANTED. Additionally, Plaintiff has failed to state a claim against the non-moving defendants Bandmine, Inc. and SnoCap, Inc. Accordingly, this case is DISMISSED in its entirety, against all defendants, with prejudice. The Court further finds that any appeal from this Order would not be taken in good faith and Plaintiff's in forma pauperis status should be revoked pursuant to 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

DATED this 6th day of January, 2016.

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