

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

**TECHNICAL SECURITY
INTEGRATION, INC.**, a Washington
corporation,

Plaintiff,

v.

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY**, a Pennsylvania
corporation,

Defendant.

Case No. 3:14-cv-01895-SB

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on May 27, 2015. Dkt. 29. Judge Beckerman recommended that Defendant's motion to compel arbitration and stay proceedings (Dkt. 9) be denied.

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)(C). 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).

For those portions of a magistrate’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’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’s recommendations for “clear error on the face of the record.”

Defendant timely filed objections (Dkt. 32) to which Plaintiff responded (Dkt. 34). The Court has reviewed de novo Judge Beckerman’s Findings and Recommendation, as well as Defendant’s objections, Plaintiffs’ response, and the underlying briefing in this case. The Court agrees with Judge Beckerman’s reasoning and adopts the Findings and Recommendation.

For those portions of Judge Beckerman’s Findings and Recommendation to which neither party has objected, this Court follows the recommendation of the Advisory Committee and reviews those matters for clear error on the face of the record. No such error is apparent.

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CONCLUSION

The Court ADOPTS Judge Beckerman's Findings and Recommendations. Dkt. 29.
Defendant's motion to compel arbitration and stay proceedings (Dkt. 9) is DENIED.

IT IS SO ORDERED.

DATED this 30th day of July, 2015.

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