

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ALEX WRIGHT, both individually and, in addition, on behalf of other similarly situated employees,

Plaintiff,

v.

SPECIAL LOGISTICS PORTLAND, LLC, a Texas limited liability company, and **PEOPLEASE LLC**, a South Carolina limited liability company,

Defendants.

No. 3:15-cv-02058-SB

OPINION AND ORDER

v.

MOSMAN, J.,

On December 11, 2017, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F&R) [75], recommending that this Court (i) grant the stipulated motion to dismiss Plaintiff's FLSA claim [69]; (ii) terminate as withdrawn the original joint motion to certify the class and collective [53]; (iii) deny as moot Plaintiff's motion to certify the class as to the claims against SLP [58]; (iv) deny as moot the joint motion for court approval of the amended settlement agreement between Plaintiff and Peoplease [71]; and (v) dismiss all remaining claims without prejudice for lack of subject matter jurisdiction. Neither party objected.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [75] as my own opinion. I accordingly (i) GRANT the stipulated motion to dismiss Plaintiff's FLSA claim [69]; (ii) TERMINATE AS WITHDRAWN the original joint motion to certify the class and collective [53]; (iii) DENY AS MOOT Plaintiff's motion to certify the class as to the claims against SLP [58]; (iv) DENY AS MOOT the joint motion for court approval of the amended settlement agreement between Plaintiff and Peoplease [71]; and (v) DISMISS all remaining claims without prejudice for lack of subject matter jurisdiction.

IT IS SO ORDERED.

DATED this 10th day of January, 2018.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN
Chief United States District Judge