IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

AUTOMATA PRODUCTIONS, INC., Plaintiff, v. **DEEANNA SPICHER**, Defendant.	Case No. 3:16-797-AC **ORDER**

Michael H. Simon, District Judge.

United States Magistrate Judge John V. Acosta issued Findings and Recommendation in this case on November 29, 2016. ECF 30. Judge Acosta recommended that Plaintiff's motion for attorney's fees and bill of costs be granted. 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 Acosta's Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge Acosta's Findings and Recommendation, ECF 30. Plaintiff's motion for attorney's fees (ECF 25) and bill of costs (ECF 24) are GRANTED. Plaintiff is awarded attorney's fees in the amount of $1,484.95 and costs in the amount of $455 in costs.

IT IS SO ORDERED.

DATED this 19th day of December, 2016.

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