

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KELLY NATHAN PREUITT,

3:16-cv-00835-PK

Plaintiff,

ORDER

v.

OREGON DEPARTMENT OF
CORRECTIONS, an agency
of the State of Oregon;
COLETTE PETERS, individually;
STEVE SHELTON, M.D.,
individually; HEIDI STEWARD,
individually; JOHN DOES 1-10,
individually,

Defendants.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#18) on March 1, 2017, in which he recommends this Court grant Defendants' Motion (#13) to Dismiss; dismiss without prejudice Plaintiff's First, Second, and Third Claims; dismiss with prejudice Plaintiff's Fourth and Fifth Claims; and grant leave for Plaintiff to file an Amended Complaint to cure

the deficiencies set out in the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C.

§ 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

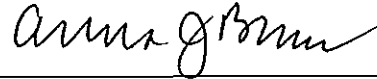
The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#18). Accordingly, the Court **GRANTS** Defendants' Motion (#13) to Dismiss; **DISMISSES without prejudice** Plaintiff's First, Second, and Third Claims; **DISMISSES with prejudice** Plaintiff's Fourth and Fifth Claims; and **GRANTS** Plaintiff leave to file an Amended Complaint **no later than April 6, 2017**, to cure the deficiencies set out in the Findings and Recommendation.

The Court advises Plaintiff that the Magistrate Judge will review Plaintiff's Amended Complaint and will recommend *sua sponte* dismissal of the Amended Complaint if it fails to comply with the March 1, 2017, Findings and Recommendation or this

Court's Order.

IT IS SO ORDERED.

DATED this 16th day of March, 2017.



ANNA J. BROWN
United States District Judge