

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

LOREN CHRISTOPHER TARABOCHIA,

Case No. 3:16-cv-01603-TC

Plaintiff,

ORDER

vs.

CIT OF SEASIDE, OREGON; ESTATE OF
JASON GOODING; GARY WELLBORN;
CLATSOP COUNTY, OREGON; and
CHANCE MOORE,

Defendants.

AIKEN, Judge:

Magistrate Judge Thomas Coffin filed his Findings and Recommendation (“F&R”) (doc. 51) on March 19, 2018 recommending that defendant’s Motion for Partial Summary Judgment (doc. 15) be granted and plaintiff’s Motion for Partial Summary Judgment (doc. 30) be denied. The matter is now before me. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. I granted plaintiff’s Motion for an Extension of Time to File an Objection on April 4, 2018.

No objections have been timely filed.¹ Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule). Having reviewed the record of this case, I find no clear error.

THEREFORE, IT IS HEREBY ORDERED that I adopt Judge Coffin’s F&R (doc. 51) in its entirety.² Defendants’ Motion for Partial Summary Judgment (doc. 15) is GRANTED, and Claims Nine and Ten of plaintiff’s complaint are dismissed. Further, plaintiff’s Motion for Partial Summary Judgment (doc. 30) is DENIED.

Dated this 21st day of June 2018.



Ann Aiken
United States District Judge

¹ Plaintiff filed a second motion for Extension of Time (doc. 58) on May 11, 2018, but the substance of that motion deals with a request extend discovery in this case. As it is not a subject of the F&R, I refer that matter back to Judge Coffin. I note that plaintiff mentions in his supporting declaration that he has filed objections in this case; however, the record reflects that no objections have been filed.

² Plaintiff’s Motion to Supplement the Record (doc. 50) is GRANTED.