

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

TYRONE BLOCKER,

Plaintiff,

v.

BANDMINE.COM, et al.,

Defendants.

No. 3:16-cv-1709-AC

OPINION AND ORDER

MOSMAN, J.,

On May 14, 2018, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F&R) [96], recommending that the claims against the remaining defendants, Webnames and Bandmine, should be dismissed without prejudice, for lack of prosecution. No objections were filed.

DISCUSSION

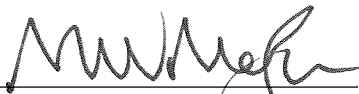
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination 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 Acosta's recommendation and I ADOPT the F&R [96] as my own opinion. The claims against the remaining defendants, Webnames and Bandmine, are dismissed without prejudice, for lack of prosecution.

IT IS SO ORDERED.

DATED this 9th day of June, 2018.


MICHAEL W. MOSMAN
Chief United States District Judge