

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

THE BANK OF NEW YOUR MELLON  
FKA THE BANK OF NEW YORK, AS  
TRUSTEE (CWMBS 2004-25),

No. 3:16-cv-02012-AC

Plaintiff,

v.

ROGER H. HUMBARGER, et al.,

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation (#67) on August 1, 2019, in which he recommends that this Court deny Plaintiff's motion for summary judgment and deny the request by Defendants Roger and Carolyn Humbarger, contained in their response to Plaintiff's motion for summary judgment, for summary judgment on their elder abuse and exploitation counterclaim. The matter is now before me 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, I am relieved of my obligation to review the record *de novo*. *United States v. Reyna-*

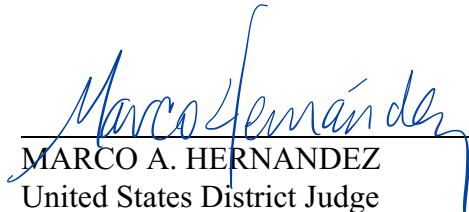
*Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings & Recommendation [67]. Accordingly, Plaintiff's motion for summary judgment [42] is denied. The request by Defendants Roger and Carolyn Humbarger for summary judgment as to their elder abuse and exploitation claim, which was contained within their response to Plaintiff's motion for summary judgment, is also denied.

IT IS SO ORDERED.

DATED this 7 day of Oct, 2019.

  
MARCO A. HERNANDEZ  
United States District Judge