

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**BENJAMIN BARBER,**

Plaintiff,

v.

**MEAGAN VANCE, et. al,**

Defendants.

Case No. 3:16-cv-2105-AC

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge John V. Acosta issued Findings and Recommendation in this case on June 10, 2019. ECF 414. Magistrate Judge Acosta recommends granting in part Defendant Vance’s motion for attorney’s fees. Defendant Vance previously was awarded attorney’s fees as a sanction under 28 U.S.C. § 1927.

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).

PAGE 1 – ORDER

Plaintiff timely filed objections. ECF 421. Most of Plaintiff's objections are attempts to relitigate arguments previously rejected relating to the merits of Plaintiff's claims generally and the issue of whether sanctions under § 1927 are warranted. Plaintiff also objects, however, that the fees requested do not have the requisite causal link to the sanctionable conduct. This objection is without merit. The Findings and Recommendation explains that the fees were incurred "responding to or 'resisting' Barber's offensive actions."

The Court has reviewed de novo the Findings and Recommendation to which Plaintiff has objected, as well as Plaintiff's objections and Vance's response. The Court agrees with Judge Acosta's reasoning and ADOPTS the Findings and Recommendation. Defendant Vance's Motion for Attorney's Fees (ECF 374) is GRANTED IN PART, in the amount of \$3,412.50, as sanctions under 28 U.S.C. § 1927 for Plaintiff's objectionable and sanctionable conduct.

**IT IS SO ORDERED.**

DATED this 2nd day of August, 2019.

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