

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

TYRONE BLOCKER,

Plaintiff,

v.

**BLACK ENTERTAINMENT
TELEVISION, LCC; MYSPACE, LLC;
and AMAZON.COM, INC.,**

Defendants.

No. 3:17-cv-01406-AC

OPINION AND ORDER

MOSMAN, J.,

On June 26, 2018, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F&R) [51], recommending that BET's, Myspace's, and Amazon's Motions to Dismiss [16], [24], [33] should be GRANTED; that dismissal should be without prejudice as to Myspace, for lack of personal jurisdiction, to allow Mr. Blocker to bring his claims against Myspace in a court of competent jurisdiction; and that the claims against BET and Amazon should be dismissed with leave to amend. Plaintiff objected [53] and Defendants responded [54], [55], and [56].

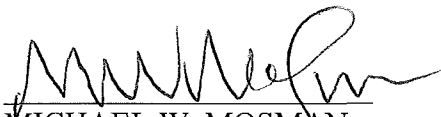
DISCUSSION

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 [51] in full. BET's, Myspace's, and Amazon's Motions to Dismiss [16], [24], [33] are GRANTED. Dismissal is without prejudice as to Myspace to allow Mr. Blocker to bring his claims against Myspace in a court of competent jurisdiction. The claims against BET and Amazon are dismissed with leave to amend. If Mr. Blocker chooses to amend, he must file his amended Complaint within 14 days of the date of this order.

IT IS SO ORDERED.

DATED this 8th day of August, 2018.


MICHAEL W. MOSMAN
Chief United States District Judge