

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BRIAN METKE,

No. 3:18-cv-00929-JR

Plaintiff,

ORDER

v.

THE BANK OF NEW YORK MELLON,  
fka The Bank of New York, as Trustee for  
the Certificateholders of the CWABS, Inc.,  
Asset-Backed Certificates Series 2006-18,  
a New York Trust; QUALITY LOAN  
SERVICES CORP OF WASHINGTON, a  
Washington Corporation; COUNTRYWIDE  
HOME LOAN, INC., a Delaware  
Corporation; and JOHN DOES 1-4, who are  
Individuals or entities currently unknown to  
the Plaintiff,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Russo issued a Findings and Recommendation [43] on December 4,  
2018, in which she recommends that this Court grant Defendant BNYM and Plaintiff's Requests  
for Judicial Notice [24][37], grant Defendant Countrywide's Motion to Dismiss [31], and grant

in part and deny in part Defendant BNYM's Motion to Dismiss [23]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Defendant BNYM filed timely objections to the Magistrate Judge's Findings & Recommendation. Def. Obj., ECF [45]. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Defendant's objections and concludes there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record de novo and finds no error in the Magistrate Judge's Findings & Recommendation.

///

///

///

///

///

///

///

///

///

///

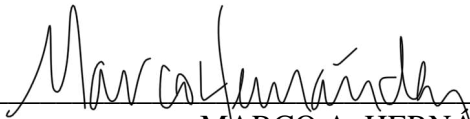
///

**CONCLUSION**

The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation [43]. Accordingly, Plaintiff's Request for Judicial Notice [37] and Defendant BNYM's Request for Judicial Notice [24] are GRANTED. Defendant Countrywide's Motion to Dismiss is GRANTED [31], and Defendant BNYM's Motion to Dismiss [23] is GRANTED as to Plaintiff's breach of contract claim and DENIED in all other respects. Any motion to amend the complaint must be filed within 14 days of this Order.

IT IS SO ORDERED.

DATED this 11 day of April, 2019.

  
\_\_\_\_\_  
MARCO A. HERNANDEZ  
United States District Judge