

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

ESTHER KIM CHRIS,

Plaintiff,

No. 3:21-cv-00924-SB

v.

OPINION AND ORDER

SARAH CARPENTER, et al.,

Defendants.

MOSMAN, J.,

On April 20, 2022, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F. & R.”) [ECF 59]. Judge Beckerman recommends that I grant Defendant Sarah Carpenter’s motion to dismiss [ECF 17], grant the Village Church Defendants’ motion to dismiss [ECF 19] and deny Plaintiff’s motion for default [ECF 44]. Additionally, Judge Beckerman recommends that I deny Plaintiff’s motion to dismiss [ECF 45] and motion to quash [ECF 46]. Plaintiff timely filed objections [ECF 61] and Defendants responded [ECF 63]. I agree with Judge Beckerman.

STANDARD OF REVIEW

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

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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).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation, I ADOPT her F. & R. [ECF 59] as my own opinion, I GRANT Carpenter's motion to dismiss [ECF 17], GRANT the Village Church Defendants' motion to dismiss [ECF 19], and DENY Plaintiff's motion for default [ECF 44]. Additionally, I DENY Plaintiff's motion to dismiss [ECF 45] and motion to quash [ECF 46] as incorrectly filed. Plaintiff has thirty days from the date of this order to file a second amended complaint that cures the deficiencies that the F. & R. describes.

IT IS SO ORDERED.

DATED this 20 day of June, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge