

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

ANITA I. KISHNA,

Plaintiff,

v.

(NONE LISTED),

Defendant.

Case No. 3:22-cv-00199-AR

ORDER

IMMERGUT, District Judge.

On March 30, 2022, Magistrate Judge Jeffrey Armistead issued his Findings and Recommendation (“F&R”). ECF 9. The F&R recommends that this Court dismiss Plaintiff’s Amended Complaint, ECF 7, with prejudice, grant Plaintiff’s application to proceed in forma pauperis (“IFP”), ECF 1, and deny Plaintiff’s motion for appointment of counsel, ECF 3. Plaintiff filed objections to the F&R. ECF 11.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “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.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

This Court has reviewed de novo the portions of Judge Armistead’s F&R, ECF 9, to which Plaintiff objected. This Court adopts Judge Armistead’s F&R in full. Plaintiff’s Amended Complaint, ECF 7, is DISMISSED with prejudice, Plaintiff’s Application for Leave to Proceed IFP, ECF 1, is GRANTED, and Plaintiff’s Motion for Appointment of Counsel, ECF 3, is DENIED.

IT IS SO ORDERED.

DATED this 9th day of May, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge