## IN THE UNITED STATES DISTRICT COURT

#### FOR THE DISTRICT OF OREGON

## PORTLAND DIVISION

STEVEN HOLT, and TRY EXCELLENCE, LLC,

Plaintiffs,

No. 3:22-cv-00837-YY

v.

OPINION AND ORDER

URBAN LEAGUE OF PORTLAND, INC., NKENGE HARMON-JOHNSON, MICHAEL LEWELL, KARIS STOUDAMIRE-PHILLIPS, JAMES MASON, and SEAN MURRAY,

Defendants.

# MOSMAN, J.,

On September 28, 2023, Magistrate Judge Youlee Yim You issued her Findings and Recommendation ("F&R") [ECF 91] recommending that I grant Defendants Urban League of Portland, Inc. and Harmon Johnson's Special Motion to Strike [ECF 35], grant Defendants Karis Stoudamire-Phillips, James Mason, and Sean Murray's Motion for Joinder [ECF 39], and deny the Motion to Strike Plaintiff's Supplementary Memorandum and Declaration [ECF 88] as moot. Plaintiffs filed Objections on October 19, 2023 [ECF 96], to which Defendants responded [ECF 97]. Defendants did not file any objections.

Upon review, I agree with Judge You. I GRANT Defendants' Special Motion to Strike, GRANT Defendants' Motion for Joinder, and DENY the Motion to Strike Plaintiff's Supplementary Memorandum and Declaration.

#### 1 – OPINION AND ORDER

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).

CONCLUSION

Upon review, I agree with Judge You's recommendation, and I ADOPT the F&R [ECF 91]

as my own opinion. The Special Motion to Strike [ECF 35] is GRANTED, the Motion for Joinder

[ECF 39] is GRANTED, and the Motion to Strike Plaintiff's Supplementary Memorandum and

Declaration [ECF 88] is DENIED as moot.

IT IS SO ORDERED.

DATED this 4 day of January, 2024.

Senior United States District Judge