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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CANDICE GUTIERREZ,

O R D E R
Civ. No. 09-6291-TC

Plaintiff,

vs.

LARRY K. HOUCHIN, Municipal
Court Judge at the City of
Lebanon; JOHN HITT, City Manager
of the City of Lebanon; THE CITY OF
LEBANON, an Oregon municipal
corporation; JOHN DOES 1-3; and
LARRY HOUCHIN, private individual,

Defendants.

AIKEN, Chief Judge:

Magistrate Judge Coffin filed his Findings and
Recommendation on October 4, 2011. The matter is now before me
pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

1 When a party objects to any portion of the Magistrate's Findings
2 and Recommendation, the district court must make a de novo
3 determination of that portion of the Magistrate's report. 28
4 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore
5 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert.
6 denied, 455 U.S. 920 (1982).

7 Plaintiff has timely filed objections. I have, therefore,
8 given the file of this case a de novo review. I ADOPT the
9 Magistrate's Findings and Recommendation (doc. 57) that
10 defendants John Hitt's and City of Lebanon's motion for summary
11 judgment (doc. 25) is granted on the federal and state law claims
12 against them, leaving this claim to proceed solely against
13 defendant Houchin. Further, defendants John Does 1-3 are
14 dismissed from this action and the Clerk of Court is directed to
15 remove them from the case caption.

16 IT IS SO ORDERED.

17 Dated this 6th day of December 2011.

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22 Ann Aiken
23 United States District Judge
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