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## FOR THE DISTRICT OF OREGON EUGENE DIVISION

CLAYTON HOWARD,

Case No. 6:17-cv-01629-MK OPINION AND ORDER

Plaintiff,

VS.

DR. REED PAULSON, Oregon State Penitentiary; et al.,

DEFENDANTS.

## AIKEN, District Judge:

Magistrate Judge Mustafa T. Kasubhai filed his Findings and Recommendation ("F&R") (doc. 54) on April 2, 2020. The matter is now before me. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. No objections have been timely filed. Although this relieves me of my obligation to perform a de novo review, I retain the obligation to "make an informed, final determination." Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983), overruled on other grounds, United States v. Reyna-Tapia, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections

are filed. Ray v. Astrue, 2012 WL 1598239, \*1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, I review the F&R for "clear error on the face of the record[.]" Fed. R. Civ. P. 72 advisory committee's note (1983) (citing Campbell v. United States District Court, 501 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Vonn, 535 U.S. 55, 64 n.6 (2002) (stating that, "[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of" a federal rule). Having reviewed the file of this case, I find no clear error.

THEREFORE, IT IS HEREBY ORDERED that I ADOPT Judge Kasubhai's F&R (doc. 54).

Dated this 27th day of April 2020.

/s/Ann Aiken

Ann Aiken United States District Judge