## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON EUGENE DIVISION

LORRIE BIGGS,

Case No. 6:18-cv-00506-MK **ORDER** 

Plaintiff,

v.

CITY OF ST. PAUL, an Oregon Municipal Corporation; KIMBALL WALLIS, and Individual; and LAURA SCHROEDER, an Individual,

Defendants.

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## AIKEN, District Judge:

Magistrate Judge Mustafa Kasubhai has filed his Findings and Recommendation ("F&R") (doc. 96) recommending that defendant's motion to dismiss (doc. 78) be granted in part and denied in part. This case is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

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 decision." 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 record of this case, the Court finds no error in Judge

Kasubhai's F&R. Thus, the Court adopts the F&R (doc. 96) in it's entirely.

Accordingly, defendants' Motion to Dismiss (doc. 78) is GRANTED in part and

DENIED in part as outlined in the F&R. Plaintiff is granted 30 days from the date

of this Order in which to file an amended complaint.

IT IS SO ORDERED.

Dated this <u>26th</u> day of May, 2020.

/s/Ann Aiken

Ann Aiken

United States District Judge

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