IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

LEE KOCH

Plaintiff,

v.

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

Defendants.

Case No. 6:18-cv-00507-MK

ORDER

AIKEN, District Judge:

Magistrate Judge Mustafa Kasubhai has filed his Findings and Recommendation ("F&R") (doc. 106) recommending that defendant's motion to dismiss (doc. 88) 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. 106) in it's entirely. Accordingly, defendants' Motion to Dismiss (doc. 88) 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 26th day of May, 2020.

/s/Ann Aiken
Ann Aiken
United States District Judge