

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

DEWAYNE BOWLIN,

Plaintiff,

Case No. 6:18-cv-00733-MK
ORDER

v.

DITECH FINANCIAL LLC; FEDERAL
NATIONAL MORTGAGE ASSOCIATION;
and QUALITY LOAN SERVICES
CORPORATION OF WASHINGTON,

Defendants,

AIKEN, District Judge.

Magistrate Judge Mustafa Kasubhai filed his Findings and Recommendations (“F&R”) (Doc. 43) recommending that plaintiff’s motion for leave to Amend (Doc. 38) be granted in part and denied in part. This matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

No objections were 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, the Court 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).

The Court finds no clear error in Magistrate Judge Kasubhai’s F&R. Accordingly, the Court adopts the F&R (Doc. 43) in its entirety. Plaintiff is granted leave to amend with the addition of the Third and Fourth Claims, excluding the claim for fees against defendant Ditech.

IT IS SO ORDERED.

Dated this 8th day of September 2020.

/s/Ann Aiken
Ann Aiken
United States District Judge