

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LARRY R. SPIVA, JR.,

Plaintiff,

v.

WALMART, a Delaware corporation,  
and JOYCE A. NEWTON, O.D., an  
Oregon resident,

Defendants.

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Case No. 6:18-cv-1024-MK

OPINION AND ORDER

**MCSHANE, Judge:**

Magistrate Judge Mustafa T. Kasubhai filed a Findings & Recommendation (“F&R”) on January 18, 2019, ECF No. 34, and the matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). Although Defendants filed no objections, I have reviewed the legal principles *de novo*. *See United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude that the F&R is correct. Judge Kasubhai’s F&R is adopted in full. Defendants’ motions to dismiss and strike, ECF Nos. 23 and 25, are DENIED.

IT IS SO ORDERED.

DATED this 6th day of March, 2019.

/s/ Michael McShane

Michael J. McShane  
United States District Judge