

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

HAMID MICHAEL HEJAZI,

Plaintiff,

v.

MARK ESPER; U.S. DEPARTMENT
OF THE ARMY; U.S. EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION,

Defendants.

Case No. 6:19-cv-00149-MK

OPINION AND ORDER

MCSHANE, Judge:

Magistrate Judge Mustafa T. Kasubhai filed a Findings & Recommendation (“F&R”), ECF No. 5, and the matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). Plaintiff timely filed objections to the F&R. ECF No. 8. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(C); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude that the report is correct. Judge Kasubhai’s F&R is adopted in full. Accordingly, Plaintiff’s application to proceed *in forma pauperis* is DENIED, his equal protection claim DISMISSED without prejudice, and his remaining claims DISMISSED with prejudice. Plaintiff’s pending motion for leave to file an amended complaint, ECF No. 9, is DENIED as moot. Plaintiff has 30 days from the date of this Opinion and Order in which to pay the filing fee and submit an amended complaint addressing the deficiencies identified in Judge Kasubhai’s F&R. The failure to pay the fee or file an amended complaint within the allotted time will result in the entry of a judgment of dismissal.

IT IS SO ORDERED.

DATED this 14th day of June, 2019.

/s/ Michael McShane
Michael J. McShane
United States District Judge