

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

JEFFREY D. FORTER, et al.,

Plaintiffs,

No. 6:21-cv-00478-SB

v.

OPINION AND ORDER

GOVERNOR KATE BROWN, et al.,

Defendants.

MOSMAN, J.,

On September 26, 2023, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F. & R.”) [ECF 185]. Judge Beckerman recommends that I grant Defendants’ Motion to Dismiss [ECF 158] and dismiss Plaintiffs’ Article I, Section 20 claim under the Oregon Constitution with prejudice and Plaintiffs’ claim for class damages without prejudice. Objections were due on October 10, 2023, but none were filed. I agree with Judge Beckerman.

STANDARD OF REVIEW

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation. I ADOPT her F. & R. [ECF 185] as my own opinion, and I GRANT Defendants' Motion to Dismiss [ECF 158]. I dismiss Plaintiffs' Article I, Section 20 claim with prejudice and Plaintiffs' claim for class damages without prejudice.

IT IS SO ORDERED.

DATED this 17 day of November, 2023.

Michael W. Mosman
MICHAEL W. MOSMAN
Senior United States District Judge