

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

ADALINE WINNINGHAM, individually,
and on behalf of all others similarly situated,
et al,

Plaintiffs,

v.

RAFEAL'S GOURMET DINER, LLC dba
THE NILE, an Oregon Limited Liability Company;
ABDRABARRASOOL M. BUESSA, an
Individual; and DOES, 1 through 10, inclusive,

Defendants.

Case No. 6:22 cv 00382-MK
ORDER

Magistrate Judge Mustafa Kasubhai filed Findings and Recommendation (“F&R”) (doc. 41) on December 19, 2022. The matter is now before me. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. 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 determination.” *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 file of this case, I find no clear error.

THEREFORE, IT IS HEREBY ORDERED that I ADOPT Judge Mustafa Kasubhai’s F&R (doc. 41).

Dated the 17th day of January, 2023.

/s/Ann Aiken

Ann Aiken
United States District Judge