

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

David Irizarry v. Fitness 19

Irizarry · No. 1:25-cv-02141-CL · Decided March 11, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON MEDFORD DIVISION DAVID IRIZARRY, Case No. 1:25-cv-02141-CL Plaintiff, ORDER v. FITNESS 19, Defendant. AIKEN, District Judge: Magistrate Judge Mark Clarke has filed a Findings and Recommendation (“F&R”) recommending that the Amended Complaint be dismissed. ECF No. 6.

Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed.

R. Civ. P. 72(b)(3). For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. See *Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”).

Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] sua sponte... under a de novo or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.” In this case, no party has filed objections and the time for doing so has passed.

The Court has reviewed the F&R and finds no clear error. The F&R is therefore ADOPTED and this case is DISMISSED. It is so ORDERED and DATED this __1_1__th__ day of March 2026.
/s/Ann Aiken ANN AIKEN United States District Judge