

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

State of Oregon and Cory Hultz v. Cherlynn Costner

Costner · No. 1:25-cv-01985-CL · Decided December 1, 2025

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF OREGON STATE OF OREGON and CORY HULTZ, Case No. 1:25-cv-01985-CL Plaintiffs, ORDER v. CHERLYNN COSTNER, Defendant. KASUBHAI, United States District Judge: This matter is before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Clark issued a Findings and Recommendation on November 5th, 2025, in which he recommends that this Court remand these cases to state court, deny Defendant's IFP application, and deny Plaintiff Cory Hultz's request to remand as moot.

F&R, ECF No. 6. After Judge Clark issued his Findings and Recommendation, Plaintiff Cory Hultz moved for appointment of counsel and again to remand to state court. Mot. App't Counsel, ECF No. 8; Mot. Remand State Court, ECF No. 9. When a party objects to a magistrate judge's Findings and Recommendations, the district court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1).

In the absence of objections, the district court has no obligation to review the magistrate judge's report. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). However, the district court is not precluded from sua sponte review in such circumstances, *Thomas v. Arn*, 474 U.S. 140, 149 (1985), and the Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that the court should review for "clear error on the face of the record." Fed.

R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Here, Defendant's objections were not timely filed. Defendant filed their objections on November 24, 2025, five days after they were due. ECF No 11; F&R 6.

The Court has nevertheless carefully considered Defendant's objections and reviewed the relevant portions of the record de novo and concludes that there is no basis to modify the Findings and Recommendation. The Court likewise finds no clear error with the remainder of the Findings and Recommendation to which no objections were filed. CONCLUSION The Court ADOPTS Magistrate Judge Clark's Findings and Recommendation, ECF No. 6.

The cases are remanded, Defendant's IFP Application (ECF No. 2) is denied, and Plaintiff's Motions to Remand to State Court (ECF Nos. 5, 9) and Plaintiff's Motion for Appointment of

Counsel (ECF No. 8) are denied as moot. IT IS SO ORDERED. DATED this 1st day of December 2025. s/ Mustafa T. Kasubhai MUSTAFA T. KASUBHAI (he/him) United States District Judge

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