

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

**Robert Vincent Clark v. Jamie Miller**

Clark v. Miller · No. 2:24-cv-00645-YY · Decided April 16, 2026

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OPINION

Robert Vincent Clark v. Jamie Miller

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ROBERT VINCENT CLARK, Case No.: 2:24-cv-00645-YY Petitioner, v.

ORDER

JAMIE MILLER,

Respondent. Adrienne Nelson, United States District Judge: United States Magistrate Judge Youlee Yim You issued a findings and recommendation (“F&R”) in this habeas action on March 3, 2026, ECF 23. The F&R recommends that petitioner Robert Vincent Clark’s petition for writ of habeas corpus should be denied. *Id.* at 1. No party has filed objections, which were due by March 30, 2026. *Id.* at 13. The matter is now before this Court pursuant to 28 U.S.C. §636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). A district court judge 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)(C). No standard of review is prescribed for portions for the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985); *United States v. Reyna-Tapia*, 382 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A district judge is not, however, precluded from reviewing the report sua sponte under a de novo, or any other, standard. *Thomas*, 474 U.S. at 154; *Decker v. Berryhill*, 856 F.3d 659, 663 (9th Cir. 2017). Courts in this district have followed the Advisory Committee’s recommendation that, when no timely objection is filed, findings and recommendations be reviewed for “clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment; see, e.g., *Hayden v. United States*, 147 F. Supp. 3d 1125, 1127 (D. Or. 2015) (following the recommendation of the Advisory Committee and reviewing magistrate judge’s findings and recommendations for “clear error on the face of the record”). Because no party in this case has made objections to the F&R, the Court reviews the F&R for clear error on the face of the record. Finding no such error, the Court ADOPTS the F&R, ECF 23. Accordingly, the petition for writ of habeas corpus is denied.

CONCLUSION

For the foregoing reasons, the Court ADOPTS the Findings and Recommendations, ECF 23. The

Petition for Writ of Habeas Corpus, ECF 1, is DENIED. Judgment shall follow. IT IS SO ORDERED. DATED this 16th day of April, 2026. Adrienne Nelson United States District Judge

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