

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Davia Haines v. DSV A/S; DSV Road Transport, Inc.; DSV Transportation LLC; DSV Road, Inc.; and Michael Alan Murphy

Haines · No. 2:25-cv-01961-HL · Decided June 5, 2026

SUMMARY

The United States District Court for the District of Oregon adopted the magistrate judge’s findings and recommendation in full. The court granted Plaintiff Davia Haines’s motion to remand and denied Defendants’ motions to dismiss as moot, remanding the action to the Circuit Court of the State of Oregon for Multnomah County.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Karin J. Immergut
JURISDICTION	United States District Court for the District of Oregon
DECIDED	June 5, 2026
DOCKET	2:25-cv-01961-HL
DISPOSITION	remanded
PROCEDURAL POSTURE	The district court reviewed defendants' objections to a magistrate judge's findings and recommendation concerning plaintiff's motion to remand and defendants' motions to dismiss.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's findings and recommendation to which objections were made; no de novo review is required for unobjected-to portions, although the district judge may review them sua sponte.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not identified in the source.
PARTIES	DSV A/S, DSV Road Transport, Inc., DSV Transportation LLC, DSV Road, Inc., Michael Alan Murphy v. Davia Haines

TOPICS

- motions to dismiss
- civil procedure

PRACTICE AREAS

civil procedure

removal and remand

QUESTIONS PRESENTED

1. Whether the district court should conduct de novo review of the portions of the magistrate judge's findings and recommendation to which defendants objected.
2. Whether the district court should adopt the magistrate judge's recommendation to remand the action to state court.
3. Whether defendants' motions to dismiss should be denied as moot after remand.

HOLDINGS

1. When a party objects to specified portions of a magistrate judge's findings and recommendation, the district court must make a de novo determination of those portions; unobjected-to portions need not be reviewed de novo, although the district court may review them sua sponte.
2. The magistrate judge's recommendation to remand the action to the Circuit Court of the State of Oregon for Multnomah County was adopted in full, and plaintiff's motion to remand was granted.
3. Defendants' motions to dismiss were denied as moot following the grant of plaintiff's motion to remand.

KEY QUOTATIONS

“If a party objects to a magistrate judge’s F&R, “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.””

“This Court GRANTS Plaintiff’s Motion to Remand, ECF 7, and DENIES AS MOOT Defendants’ Motions to Dismiss, ECF 5; ECF 6.”

FACTUAL BACKGROUND

The action had been removed from the Circuit Court of the State of Oregon for Multnomah County to the United States District Court for the District of Oregon. Plaintiff moved to remand, and defendants moved to dismiss; the magistrate judge recommended remand and denial of the dismissal motions as moot.

PROCEDURAL HISTORY

A magistrate judge recommended granting plaintiff's motion to remand and denying defendants' motions to dismiss as moot. Defendants objected, plaintiff responded, and the district court conducted de novo review of the portions of the findings and recommendation to which objections were made, adopted the recommendation in full, granted remand, and denied the motions to dismiss as moot.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is remanded to the Circuit Court of the State of Oregon for Multnomah County.

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149–50 (1985)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
- Thomas v. Arn, 474 U.S. 140, 154 (1985)

OPINION

Haines

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DAVIA HAINES, Case No. 2:25-cv-01961-HL Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATION

v.

DSV A/S; DSV ROAD TRANSPORT,

INC.; DSV TRANSPORTATION LLC;

DSV ROAD, INC.; and MICHAEL ALAN

MURPHY,

Defendants. Marc A. Johnston, Johnston Law Firm, 200 SW Market Street, Suite 1900, Portland OR 97201. Sach D. Oliver, T. Ryan Scott, Geoff D. Hamby, Samuel W. Mason & Andrea D. McCurdy, Oliver Law Firm, 3606 Southern Hills Boulevard, Rogers, AR 72758. Attorneys for Plaintiff. David B. Markowitz, R. Kyle Busse & Allison L. Rothgeb, Markowitz Herbold PC, 1455 SW Broadway, Suite 1900, Portland, OR 97201. Attorneys for Defendants. IMMERGUT, District Judge. On January 15, 2026, Magistrate Judge Hallman issued his Findings and Recommendation (“F&R”), ECF 33. The F&R recommends that this Court grant Plaintiff’s Motion to Remand, ECF 7, and deny as moot Defendants’ Motions to Dismiss, ECF 5; ECF 6. Defendants timely filed objections to the F&R, ECF 39, and Plaintiff filed a response, ECF 44. This Court has reviewed de novo the portions of the F&R to which Defendants objected and ADOPTS Magistrate Judge Hallman’s F&R in full. Under the Federal Magistrates Act (“Act”), as amended, 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)(C). If a party objects to a magistrate judge’s F&R, “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.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not

preclude further review by the district judge, sua sponte” whether de novo or under another standard. Thomas, 474 U.S. at 154. This Court has reviewed de novo the portions of Judge Hallman’s F&R to which Defendants objected. Judge Hallman’s F&R, ECF 33, is adopted in full. This Court GRANTS Plaintiff’s Motion to Remand, ECF 7, and DENIES AS MOOT Defendants’ Motions to Dismiss, ECF 5; ECF 6. This action is hereby REMANDED to the Circuit Court of the State of Oregon for Multnomah County. IT IS SO ORDERED. DATED this 5th day of June, 2026.
/s/ Karin J. Immergut Karin J. Immergut United States District Judge