

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Jordan Adam Sutherland v. Corey Fhuere

Sutherland · No. 6:24-cv-01706-JR · Decided March 18, 2026

SUMMARY

The United States District Court for the District of Oregon adopts a magistrate judge’s Findings and Recommendation recommending denial of Jordan Adam Sutherland’s petition for a writ of habeas corpus and motion for discovery. The court denies both requests and declines to issue a certificate of appealability because no substantial showing of the denial of a constitutional right was made.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Baggio
JURISDICTION	United States District Court for the District of Oregon
DECIDED	March 18, 2026
DOCKET	6:24-cv-01706-JR
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendation recommending denial of a federal habeas petition and a motion for discovery. No timely objections were filed.
STANDARD OF REVIEW	When no timely objections are made to a magistrate judge's findings and recommendation, de novo review of the portions of the record to which no objection was made is not required; the district court reviewed the legal principles de novo and found no error.
PRECEDENTIAL VALUE	Unpublished district court order with limited precedential value.
PARTIES	Jordan Adam Sutherland v. Corey Fhuere

TOPICS

- federal habeas corpus
- post-conviction relief
- discovery dispute
- appellate procedure
- standard of review

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's findings and recommendation when no timely objections were filed.
2. Whether the magistrate judge's findings and recommendation denying the habeas petition and motion for discovery should be adopted.
3. Whether Sutherland had made a substantial showing of the denial of a constitutional right sufficient to warrant a certificate of appealability.

HOLDINGS

1. Because no timely objections were filed, the district court was relieved of its obligation to review the record de novo as to the unobjected-to portions of the findings and recommendation.
2. The court adopted Magistrate Judge Russo's findings and recommendation and denied Sutherland's petition for a writ of habeas corpus and motion for discovery.
3. A certificate of appealability was denied because Sutherland had not made a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“Because no objections to the Magistrate Judge’s Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record de novo.”

“Accordingly, Petitioner’s Petition for Writ of Habeas Corpus [2] and Motion for Discovery [26] are DENIED.”

FACTUAL BACKGROUND

Sutherland filed a petition for a writ of habeas corpus and a motion for discovery in federal district court. Magistrate Judge Russo recommended denying both requests. Sutherland did not timely object to the findings and recommendation.

PROCEDURAL HISTORY

Magistrate Judge Russo issued findings and a recommendation on December 4, 2025, recommending denial of Sutherland's petition for a writ of habeas corpus and motion for discovery. Because no timely objections were filed, the district court concluded that de novo review of the record was not required, adopted the findings and recommendation, denied both motions, and denied a certificate of appealability.

DISPOSITION

other

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)

- Sutherland v. Fhuere, 332 Or. App. 589 (2024)
- Sutherland v. Fheure, 372 Or. 720 (2024)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON JORDAN ADAM SUTHERLAND, Case No. 6:24-cv-01706-JR Petitioner, ORDER v. COREY FHUERE,¹ Respondent. BAGGIO, District Judge: 1 Defendant's name appears with various spellings. "Fhuere" appears on the CM/ECF docket, based on Petitioner's Petition. ECF No. 2. "Fheure" appears in the caption of Judge Russo's Findings and Recommendation ("F&R").

In the body of the F&R, Judge Russo cites one of Petitioner's state cases at the intermediate appellate court correctly as Sutherland v. Fhuere, 332 Or. App. 589 (2024) and the same case at the state high court incorrectly as Sutherland v. Fheure, 372 Or. 720 (2024). Indeed, the state courts consistently use "Fhuere." See generally Resp't's Exs. 101–124, ECF No. 21 ("Fheure" not appearing in state court record).

In yet another variation, "Fhure" appears in the caption of Respondent's filings. E.g. Resp't's Answer, ECF No. 20. This Court relies on the docket and uses "Fhuere" accordingly. Magistrate Judge Russo issued a Findings and Recommendation on December 4, 2025, in which she recommends that the Court deny Petitioner's Petition for Writ of Habeas Corpus and Motion for Discovery.

F&R, ECF No. 33. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record de novo. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding de novo review required only for portions of Magistrate Judge's report to which objections have been made).

Having reviewed the legal principles de novo, the Court finds no error. CONCLUSION The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation [33]. Accordingly, Petitioner's Petition for Writ of Habeas Corpus [2] and Motion for Discovery [26] are DENIED.

Because Petitioner has not made a substantial showing of the denial of a constitutional right, the Court DENIES the issuance of a Certificate of Appealability. See 28 U.S.C. § 2253(c)(2). IT IS SO ORDERED. DATED this 18th day of March, 2026. Ang. Mo. Faggee Ga meee — United States District Judge 2 — ORDER