

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Daniel A. Hughes v. Portland Police Bureau et al.

Hughes · No. 3:24-cv-01657-CL · Decided December 16, 2025

SUMMARY

The United States District Court for the District of Oregon adopts a magistrate judge’s Findings and Recommendation and dismisses Daniel A. Hughes’s action against the Portland Police Bureau and other defendants for failure to prosecute. No objections were filed, and the court reviews and adopts the recommendation.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Ann Aiken
JURISDICTION	United States District Court for the District of Oregon
DECIDED	December 16, 2025
DOCKET	3:24-cv-01657-CL
DISPOSITION	dismissed
PROCEDURAL POSTURE	District court review and adoption of a magistrate judge's findings and recommendation recommending dismissal for failure to prosecute.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's findings and recommendation, no review is required under Thomas v. Arn, although the district judge may review sua sponte under a de novo or other standard. The Advisory Committee Notes to Federal Rule of Civil Procedure 72(b) recommend review for clear error on the face of the record.
PRECEDENTIAL VALUE	unknown

TOPICS

- civil procedure
- sanctions
- section 1983
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. What standard, if any, governs district-court review of a magistrate judge's findings and recommendation when no objections are filed?
2. Whether the action should be dismissed for failure to prosecute.

HOLDINGS

1. When no objections are filed to a magistrate judge's findings and recommendation, the Federal Magistrates Act does not require district-court review, although the district judge may conduct sua sponte review under a de novo or other standard.
2. The action is dismissed for failure to prosecute.

KEY QUOTATIONS

“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.””

“The action is DISMISSED for failure to prosecute.”

FACTUAL BACKGROUND

The plaintiff's action was pending before the District of Oregon. The magistrate judge recommended dismissal for failure to prosecute, and no party filed objections to that recommendation.

PROCEDURAL HISTORY

Magistrate Judge Mark D. Clarke issued findings and a recommendation recommending dismissal of the action for failure to prosecute. No objections were filed. District Judge Ann Aiken adopted the findings and recommendation and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150, 152 (1985)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON
PORTLAND DIVISION DANIEL A. HUGHES, Civ. No. 3:24-cv-01657-CL Plaintiff, ORDER v.
PORTLAND POLICE BUREAU et al., Defendants.
_____ AIKEN, District Judge: Before the Court is a
Findings and Recommendation (“F&R”) opinion filed by Magistrate Judge Mark D. Clarke, ECF
No. 4.

Judge Clarke recommends that the Court DISMISS the action for failure to prosecute. No objections were filed. The Court ADOPTS Judge Clarke's F&R, ECF No. 4. 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 150. 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 objections were filed.

The F&R, ECF No. 4, is ADOPTED. The action is DISMISSED for failure to prosecute. It is so ORDERED and DATED this 16th day of December 2025. /s/Ann Aiken ANN AIKEN
United States District Judge