

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Joseph J. Lee v. Scott Haynes

Lee v. Haynes, No. 3:25-cv-637-SB (D. Or. Apr. 29, 2026) · No. 3:25-cv-637-SB · Decided April 29, 2026

OPINION

Haynes

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JOSEPH J. LEE, Case No. 3:25-cv-637-SB Plaintiff, ORDER v.

SCOTT HAYNES,

Defendant. Michael H. Simon, District Judge. United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on March 20, 2026. Judge Beckerman recommended that this Court grant Defendant's motion to dismiss for lack of prosecution, deny as moot Defendant's motion to dismiss for failure to state a claim, and dismiss this case without prejudice. No party has filed objections. Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party objects 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). If no party objects, 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."); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate judge's findings and recommendations if objection is made, "but not otherwise"). Although review is not required in the absence of objections, the Act "does not preclude further review by the district judge[] sua sponte . . . under a de novo or any other standard." *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure recommend that "[w]hen no timely objection is filed," the court review the magistrate judge's findings and recommendations for "clear error on the face of the record." No party having made objections, the Court follows the recommendation of the Advisory Committee and reviews Judge Beckerman's Findings and Recommendation for clear error on the face of the record. No such error is apparent. The Court ADOPTS Judge Beckerman's Findings and Recommendation, ECF 24. The Court GRANTS Defendant's Motion to Dismiss for Failure to Prosecute and Failure to Comply with Court Order, ECF 22, and DENIES AS MOOT Defendant's Rule 12 Motion to Dismiss (for

failure to state a claim), ECF 17. The Court DISMISSES this case without prejudice. IT IS SO ORDERED. DATED this 29th day of April, 2026. /s/ Michael H. Simon Michael H. Simon United States District Judge

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