

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TODD GRIFFEN,
Petitioner,

6:13-cv-2067-SU
O R D E R

vs.

GREG ROBERTS, et al.,
Respondents.

AIKEN, Chief Judge:

Magistrate Judge Coffin filed his Findings and Recommendation on December 13, 2013. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When a party objects to any portion of the Magistrate's Findings

and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner filed objections (doc. 13) to the Findings and Recommendation. Respondent declined to file any response. I have, therefore, given the file of this case a de novo review. I ADOPT the Magistrate's Findings and Recommendation (doc. 7) and allow petitioner's application to proceed in forma pauperis (#1), however, dismiss petitioner's petition as it is legally frivolous and fails to state a claim. Therefore, petitioner's motion for appointment of counsel (#3) is denied as moot. This case is dismissed.

IT IS SO ORDERED.

Dated this 15 day of January 2014.



Ann Aiken
United States District Judge