

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**ALBERT L. WILLAN,**

Plaintiff,

v.

**COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,**

Defendant.

No. 2:09-CV-1462-SU

OPINION AND ORDER

**MOSMAN, J.,**

On May 16, 2011, Magistrate Judge Sullivan issued her Findings and Recommendation (“F&R”) [15] in the above-captioned case recommending that I remand this case to the ALJ for further proceedings. No objections were filed.

**STANDARD OF REVIEW**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d

1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I ADOPT the Magistrate Judge's F&R [15] in its entirety. This case is REMANDED for further proceedings before the ALJ consistent with this opinion.

IT IS SO ORDERED.

DATED this 2nd day of August, 2011.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court