IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

WILLIE LEE FIERS,

Plaintiff,

v.

STATE OF OREGON; and BRIDGITTE AMSBERRY.,

Defendants.

No. 2:14-cv-00361-AC

OPINION AND ORDER

MOSMAN, J.,

On October 20, 2014, Magistrate Judge Acosta issued his Findings and Recommendation [23], recommending that Mr. Fiers Writ of Habeas Corpus be DENIED [1] and a Judgment of DISMISSAL should be entered. No objections to the Findings and Recommendation were filed.

DISCUSSION

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 regarding 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, *de novo* or under 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 agree with Judge Acosta's recommendation and I ADOPT the F&R [22] as my own opinion.

IT IS SO ORDERED.

DATED this 1st day of December , 2014.

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