

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FILED 09 OCT 30 16:33 USDC-ORP

LAURIE JONES, individually and as Personal
Representative of the ESTATE OF
CHRISTOPHER JONES, deceased

No. CV 06-1656-ST

Plaintiff,

OPINION AND ORDER

v.

CIRRUS DESIGN CORPORATION and
AVIDYNE CORPORATION,

Defendants.

CIRRUS DESIGN CORPORATION and
AVIDYNE CORPORATION,

Third-Party Plaintiff

v.

JENNIFER S. LINK or JANE DOE or
JOHN DOE, who may be appointed as personal
representative of the Estate of PAUL SCHIOLER-LINCK,

Third-Party Defendant.

MOSMAN, J.,

On October 8, 2009, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#222) in the above-captioned case recommending that Third-Party Defendant's Motion for Summary Judgment (#152) be GRANTED. No objections were filed.

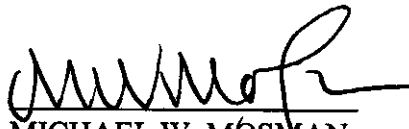
DISCUSSION

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 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 of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation, and I ADOPT the F&R (#222) as my own opinion.

IT IS SO ORDERED.

DATED this 30 day of October, 2009.


MICHAEL W. MOSMAN
United States District Court