

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JEREMY L. WILSON,  
Plaintiff,

No. CV 10-084-JE

AMENDED OPINION AND ORDER AS TO  
DEFENDANT UNITED STATES  
DEPARTMENT OF EDUCATION ONLY

v.

BCTI SCHOOL OF COMPUTERS  
and UNITED STATES DEPARTMENT  
OF EDUCATION,

Defendants.

**MOSMAN, J.,**

On October 27, 2010, Magistrate Judge John Jelderks issued a Findings and Recommendation ("F&R") (#28) in the above-captioned case recommending that defendant United States Department of Education's motion to dismiss plaintiff's claims against it (#23) be granted. Mr. Wilson filed no objections to the F&R.

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

Upon review, I agree with Judge Jelderks's recommendation, and I ADOPT the F&R (#28) as my own opinion.

IT IS SO ORDERED.

DATED this 16th day of December, 2010.

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