IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

TRAVIS SHERMAN,

Plaintiff,

v.

LT. C. WAGNER, et al.,

Defendants.

CV 10-6128-HU

OPINION AND ORDER

MOSMAN, J.,

On February 28, 2011, Magistrate Judge Hubel issued a Findings and Recommendation ("F&R") (#17) in the above-captioned case recommending that defendants' Motion for Summary Judgment (#12) should be GRANTED.

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

Upon review, I agree with Judge Hubel's recommendation, I ADOPT the F&R (#17) as my own opinion, and I GRANT defendants' Motion for Summary Judgment (#12).

IT IS SO ORDERED.

DATED this 6th day of April, 2011.

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