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

JEANNIE NICOLE BRUESCH,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

No. 3:12-cv-01453-HU

OPINION AND ORDER

MOSMAN, J.,

On November 22, 2013, Magistrate Judge Hubel issued his Findings and Recommendation ("F&R") [22] in the above-captioned case, recommending that the Commissioner's final decision be AFFIRMED. Plaintiff objected [24] and Defendant responded [26].

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 Hubel's recommendation and ADOPT the F&R [22] as my own opinion.

IT IS SO ORDERED.

DATED this 23rd day of January, 2014.

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