

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

**DAVID KLEMP,**

Plaintiff,

v.

**COLUMBIA COLLECTION SERVICE,  
INC.,**

Defendant.

**MOSMAN, J.,**

On July 21, 2014, Magistrate Judge Papak issued his Findings and Recommendation [63], recommending that Columbia Collection Service, Inc.’s (“Columbia”) motion for summary judgment [32] and supplemental motion for summary judgment [53] should be GRANTED in part and DENIED in part. Judge Papak also recommended that Klemp’s motion for partial summary judgment [50] should be GRANTED in part and DENIED in part. Defendant objected in part [65], Plaintiff objected in part [66], and Defendant responded [67].

No. 3:13-cv-1577-PK

OPINION AND ORDER

## 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 Papak's recommendation and I ADOPT the F&R [63] as my own opinion.

IT IS SO ORDERED.

DATED this 17 day of October, 2014.

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