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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

CHRISTOPHER BUSBY,

Plaintiff,

v.

MCCORMICK & SCHMICK RESTAURANT CORPORATION,

Defendant.

No. 3:13-cv-02101-PK

OPINION AND ORDER

MOSMAN, J.,

On June 18, 2014, Magistrate Judge Papak issued his Findings and Recommendation [22], recommending that this case should be dismissed with prejudice for want of prosecution. Defendant's motion to dismiss [13] was DENIED AS MOOT. No objections to the Findings and Recommendation 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 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

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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 [22] as my own opinion.

IT IS SO ORDERED.

DATED this __24th__ day of September, 2014.

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