

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

RODNEY JESSE ANDERSON,

Petitioner,

v.

JOSIAS SALAZAR, Warden,

Respondent.

Case No. 3:19-cv-01273-YY

OPINION AND ORDER

MOSMAN, J.,

On June 15, 2021, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 12], recommending that this court deny Petitioner Rodney Anderson’s Petition for Writ of Habeas Corpus [ECF 1]. Anderson filed objections to the F&R on July 29, 2021 [ECF 16]. Upon review, I agree with Judge You. I DENY Anderson’s Petition for Writ of Habeas Corpus and dismiss this case.

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

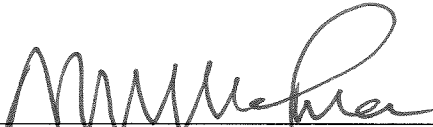
is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). 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).

CONCLUSION

Upon review, I agree with Judge You's recommendation and I ADOPT the F&R [ECF 12]. I DENY Petitioner Jesse Anderson's Petition for Writ of Habeas Corpus [ECF 1] and DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 20th day of October, 2021.


MICHAEL W. MOSMAN
United States District Judge