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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Lehman Brothers Holdings Inc.,

No. CV-11-1700-PHX-SMM (ECV)

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Plaintiff,

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vs.

**MEMORANDUM OF DECISION
AND ORDER**

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Hamilton Mortgage Co.,

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Defendant.

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Pending before the Court is Plaintiff’s Complaint alleging breach of contract against Defendant. (Doc. 1.) This matter was assigned and litigated before Magistrate Judge Edward C. Voss. (Doc. 7.) On April 3, 2012, Magistrate Judge Voss filed a Report and Recommendation with this Court. (Doc. 14.) To date, no objections have been filed.

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STANDARD OF REVIEW

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When reviewing a Magistrate Judge’s Report and Recommendation, this Court must “make a de novo determination of those portions of the report . . . to which objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C); see also Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991) (citing Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983)). Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting de novo review of the Magistrate Judge’s factual findings; the Court then may decide the dispositive motion on the applicable law.

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1 Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979) (citing Campbell v. United States
2 Dist. Court, 501 F.2d 196 (9th Cir. 1974)).

3 By failing to object to a Report and Recommendation, a party waives its right to
4 challenge the Magistrate Judge's factual findings, but not necessarily the Magistrate Judge's
5 legal conclusions. Baxter, 923 F.2d at 1394; see also Turner v. Duncan, 158 F.3d 449, 455
6 (9th Cir. 1998) (failure to object to a Magistrate Judge's legal conclusion "is a factor to be
7 weighed in considering the propriety of finding waiver of an issue on appeal"); Martinez v.
8 Ylst, 951 F.2d 1153, 1156 (9th Cir. 1991) (citing McCall v. Andrus, 628 F.2d 1185, 1187
9 (9th Cir. 1980)).

10 DISCUSSION

11 Having reviewed the legal conclusions of the Report and Recommendation of the
12 Magistrate Judge, and no objections having been made by Defendants thereto, the Court
13 hereby incorporates and adopts the Magistrate Judge's Report and Recommendation.

14 CONCLUSION

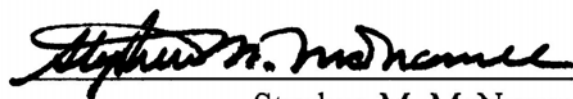
15 For the reasons set forth,

16 **IT IS HEREBY ORDERED** approving, incorporating, and adopting the Report and
17 Recommendation of Magistrate Judge Edward C. Voss. (Doc. 14.)

18 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Default Judgment against
19 Defendant Hamilton Mortgage Company is **GRANTED**. (Doc. 12.)

20 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter Judgment in favor
21 of Plaintiff Lehman Brothers Holdings Inc. and against Defendant Hamilton Mortgage
22 Company in the amount of \$628,367.09. The Judgment shall earn interest at the annual
23 federal rate from the date of entry of this Judgment until paid in full.

24 DATED this 8th day of May, 2012.

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27 Stephen M. McNamee
28 Senior United States District Judge