## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

## PORTLAND DIVISION

AMERITITLE, INC.,

No. 2:09-cy-00318-SU

Plaintiff,

OPINION AND ORDER

v.

GILLIAM COUNTY, et al.,

Defendants.

MOSMAN, J.,

On April 26, 2011, Magistrate Judge Sullivan issued her Findings and Recommendation ("F&R") [115] in the above-captioned case recommending: (1) that plaintiff's Amended Motion for Partial Summary Judgment [71] be denied; and (2) that defendant's Amended Motion for Summary Judgment [83] be granted in part and denied in part. Plaintiff filed objections [121] and defendants responded [123]. Defendants also filed objections [122] and plaintiff responded [124]. I adopt the F&R as my own opinion.

## 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

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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 find no merit to any of the objections to the Magistrate Judge's F&R.

Therefore, I agree with Judge Sullivan's recommendation, and I ADOPT the F&R [115] as my

own opinion.

IT IS SO ORDERED.

DATED this 7th day of October, 2011.

/s/ Michael W. Mosman MICHAEL W. MOSMAN

**United States District Court**