IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL DEAN SUMMERS,

Plaintiff,

v.

OREGON DEPARTMENT OF CORRECTIONS;
Dr. THOMAS BRISTOL; Dr. DEGNER;
X-RAY TECH II DANA FLEENER;
Dr. SHELDON,

Defendants.

No. 2:14-cv-00312-SB

OPINION AND ORDER

MOSMAN, J.,

On September 2, 2015, Magistrate Judge Beckerman issued her Findings and Recommendation (F&R) [48], recommending that Defendants' Motion to Dismiss for Lack of Prosecution [43] should be GRANTED. 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

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 Beckerman's recommendation and I ADOPT the F&R [48] as my own opinion.

IT IS SO ORDERED.

DATED this 24th day of September, 2015.

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