

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

CHARLES P. BOONE,

Petitioner,

v.

JOHN MYRICK, Superintendent,
Two Rivers Correctional Inst.,

Respondent.

MOSMAN, J.,

On May 31, 2017, Magistrate Judge Thomas Coffin issued his Findings and Recommendation (“F&R”) [46], recommending that Charles P. Boone’s Amended Petition for Writ of Habeas Corpus [20] should be DENIED and that a Certificate of Appealability should be DENIED. Petitioner did not object.

DISCUSSION

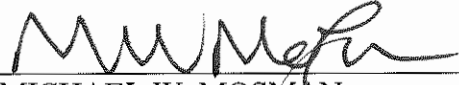
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination 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).

I agree with Judge Coffin's recommendation and ADOPT the F&R [46] as my own opinion. It is ORDERED AND ADJUDGED that Mr. Boone's Amended Petition for Writ of Habeas Corpus [20] is DENIED and is thus DISMISSED, and a Certificate of Appealability is DENIED.

IT IS SO ORDERED.

DATED this 10 day of October, 2017.


MICHAEL W. MOSMAN
Chief United States District Judge