IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MARCUS ANGELO LEWALLEN,

Petitioner,

v.

JOHN MYRICK,

Respondent.

No. 2:14-cv-01816-SU

OPINION AND ORDER

MOSMAN, J.,

On October 19, 2015, Magistrate Judge Sullivan issued her Findings and Recommendation (F&R) [17], recommending the Petition for Writ of Habeas Corpus [2] should be DENIED. 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 Sullivan's recommendation and I ADOPT the F&R [17] as my own opinion.

IT IS SO ORDERED.

DATED this 24th day of November, 2015.

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