

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

EDI VILLALOBOS LAZARO, JR.,

Plaintiff,

Case No. 2:19-cv-00594-AC

v.

OPINION AND ORDER

**OREGON DEPARTMENT OF
CORRECTIONS, BOWSER,
AMSBERRY, JACKSON, BRAUN,
NINMAN, PRINS, DEACON, BAUER,
COOK, NOOTH, ENRIQUEZ, RAMSEY,
LEGORE, TERRY, YOUNG, OSBURN,**

Defendants.

MOSMAN, J.,

On September 14, 2021, Magistrate Judge John Acosta issued his Findings and Recommendation (“F. & R.”) [ECF 66]. Judge Acosta recommends that I grant the Defendants’ Motion for Summary Judgment [ECF 58] and dismiss the complaint [ECF 2] with prejudice. Objections were due on November 1, 2021, but none were filed. I agree with Judge Acosta.

STANDARD OF REVIEW

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).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendations, I ADOPT his F. & R. [ECF 66] as my own opinion, and I GRANT the Defendants' Motion for Summary Judgment [ECF 58]. I dismiss the complaint [ECF 2] with prejudice and DENY AS MOOT the Notice of Amended Additional Defendants [ECF 68].

IT IS SO ORDERED.

DATED this 30 day of November, 2021.


MICHAEL W. MOSMAN
United States District Judge