

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

**INTEGRATED BIOMASS RESOURCES,
LLC,**

No. 3:19-cv-02060-SU

Plaintiff,

v.

AMENDED OPINION AND ORDER

**AIX SPECIALTY INSURANCE
COMPANY,**

Defendant.

MOSMAN, J.,

On May 17, 2021, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F. & R.”) [ECF 55]. Judge Sullivan recommends that I (1) DENY Defendant’s Motion for Summary Judgment [ECF 37] and, (2) GRANT Plaintiff’s Motion for Summary Judgment [ECF 35]. Defendant filed objections [ECF 57] to the F. & R. on June 1, 2021. Plaintiff responded [ECF 58] on June 15, 2021. I agree with Judge Sullivan’s well-reasoned opinion.

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

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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 Sullivan's recommendations, I ADOPT her F. & R. [ECF 55] as my own opinion, and I GRANT Plaintiff's Motion for Summary Judgment [ECF 35]. I DENY Defendant's Motion for Summary Judgment [ECF 37].

IT IS SO ORDERED.

DATED this 21 day of September, 2021.

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