

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

SHAWN RICHARD MONRO,

Plaintiff,

No. 2:20-cv-00866-SU

v.

OPINION AND ORDER

**LISA CAIN; JEFF MOURA; JOE E
CAPPS,**

Defendants.

MOSMAN, J.,

On February 10, 2021, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F. & R.”) [ECF 13]. In her F. & R., Judge Sullivan recommends that I grant in part and deny in part Defendants’ Motion to Dismiss [ECF 7]. Judge Sullivan further recommends that I dismiss Plaintiff’s Complaint [ECF 1] with leave to amend. Plaintiff filed Objections [ECF 15], and Defendants filed a Response [ECF 16]. Upon review, I ADOPT Judge Sullivan’s F. & R. as my own opinion.

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).

CONCLUSION

Upon review, I agree with and therefore ADOPT Judge Sullivan's F. & R. [ECF 13] as my own opinion. I GRANT in part and DENY in part Defendants' Motion to Dismiss [ECF 7]. I DISMISS Plaintiff's Complaint [ECF 1] with leave to amend. The deadline to file an amended complaint is April 30, 2021.

IT IS SO ORDERED.

DATED this 8 day of April, 2021.

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