

FILED 20 JUN '11 13:11 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

WALTER PECK,

Petitioner,

v.

DON MILLS, et al.,

Respondents.

Case No. CV 08-1299-PK

OPINION AND ORDER

REDDEN, District Judge:

On April 12, 2011, Magistrate Judge Paul Papak issued his Findings and Recommendation (doc.40) in the above-captioned case, recommending that the court deny the Amended Petition for Writ of Habeas Corpus (doc. 19), and dismiss this action with prejudice.

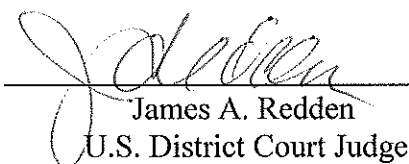
The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rules of

Civil Procedure 72(b) and 54(d)(2)(D). The magistrate judge only makes recommendations to the district court, and any party may file written objections to those recommendations. 28 U.S.C. § 636(b)(1)(C). When a party timely objects to any portion of the magistrate's Findings and Recommendation, the district court must conduct a de novo review of the portions of the Findings and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The district court may then "accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate with instructions." 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The district court is not required to review the factual and legal conclusions of the magistrate judge, to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Petitioner timely filed objections to Magistrate Judge Papak's Findings and Recommendation. I have, therefore, given those portions of the Findings and Recommendation a de novo review. I agree with Magistrate Judge Papak's analysis and conclusions. Accordingly, I ADOPT the Findings and Recommendation as my own opinion. I DENY the Amended Petition for Writ of Habeas Corpus (doc. 19), and DISMISS this action with prejudice.

IT IS SO ORDERED.

DATED this 20 day of June, 2011.


James A. Redden
U.S. District Court Judge