

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

**ROBERTA KELLY and
D. LAWRENCE OLSTAD,**

Plaintiffs,

v.

**U.S. BANK; BISHOP, WHITE &
MARSHALL, P.S., a Washington
Professional Services Company; and
KRISTA WHITE,**

Defendants.

No. CV 08-1421-AC

OPINION & ORDER

U.S. BANK NATIONAL ASSOCIATION,

Third-party Plaintiff,

**CITY OF PORTLAND, a municipal
corporation; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., an
inactive Oregon corporation; CREDIT
CARD RECEIVABLES FUND
INCORPORATED, an Ohio corporation dba
UNIFUND CCR PARTNERS; ZB
LIMITED PARTNERSHIP, a Delaware**

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**limited partnership dba UNIFUND CCR
PARTNERS,**

Third-party Defendants,

MOSMAN, J.,

On June 25, 2010, Magistrate Judge Acosta issued Findings and Recommendation ("F&R") (#188) in the above-captioned case recommending that I GRANT defendant U.S. Bank's Motion for Sanctions (#100), Second Motion for Sanctions (#109), and Third Motion for Sanctions (#155). He also recommends that I impose payment of attorney fees against Ms. Kelly as the appropriate sanction for violating a court order. Plaintiff filed objections (#191) to the F&R, defendant U.S. Bank responded (#197), and plaintiff further filed an Answer (#200) to U.S. Bank's response.

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 of 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, under a de novo or 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 of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R (#188) as my own opinion. I GRANT defendant U.S. Bank's Motion for Sanctions (#100), Second Motion for Sanctions (#109), and Third Motion for Sanctions (#155). I agree that payment of attorney fees is the appropriate sanction against Ms. Kelly for violating the court's order. U.S. Bank shall submit its fee request and documentation to Judge Acosta for review.

IT IS SO ORDERED.

DATED this 16th day of July, 2010.

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