

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

STEVEN EUGENE WELLS,

Plaintiff,

v.

STATE OF OREGON, et al.,

Defendants.

No. CV 09-189-HU

OPINION AND ORDER

**MOSMAN, J.,**

On July 28, 2009, Magistrate Judge Hubel issued Findings and Recommendation ("F&R") (#38) in the above-captioned case recommending that I GRANT plaintiff's Motion for Leave to Amend the Complaint (#31), GRANT the state defendants' Motion to Dismiss (#16), GRANT the county defendants' Motion to Dismiss (#24), and GRANT the private defendants' Motion to Dismiss (#22). No objection to the F&R was filed.

**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

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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 Hubel's recommendation, and I ADOPT the F&R (#38) as my own opinion.

IT IS SO ORDERED.

DATED this 19th day of August, 2009.

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