## IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

WILMA L. COLE,

No. CV 09-298-AC

OPINION AND ORDER
v.

GOOD SAMARITAN HOSPITAL ER, et al.,

Defendants.

## MOSMAN, J.,

On May 4, 2009, Magistrate Judge Acosta issued Findings and Recommendation ("F\&R") (\#6) in the above-captioned case recommending that I DISMISS this case with prejudice, for lack of subject matter jurisdiction and failure to comply with a court order. 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 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 (\#6) as my own opinion.

IT IS SO ORDERED.
DATED this 5th day of June, 2009.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN
United States District Court

