

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

**ANTHONY STEVEN WRIGHT,**

Plaintiff,

v.

**CYNTHIA MARIE BREWER, et al.,**

Defendants.

No. 3:10-cv-06118-PK

OPINION AND ORDER

**MOSMAN, J.,**

On February 10, 2012, Magistrate Judge Papak issued his Findings and Recommendation (“F&R”) [376] in the above-captioned case outlining his recommendations as to several of the parties’ motions. I adopt the F&R as my own opinion, with one minor change as discussed below.

**STANDARD OF REVIEW**

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 part of the F&R. 28 U.S.C. § 636(b)(1)(C).

## **CONCLUSION**

Upon review, I ADOPT IN PART Magistrate Judge Papak's F&R [376] as my own opinion. Ms. Brewer's Motion to Compel [288] is DENIED without prejudice. Ms. Brewer's Motion to Compel [291] is DENIED without prejudice. Plaintiff's Motion [308] for extension is DENIED AS MOOT. Plaintiff's Motion [312] to voluntarily dismiss certain of his claims is GRANTED, as stated in the F&R. Plaintiff's Motion to Compel [332] is GRANTED. Plaintiff's Motion to Compel [335] is GRANTED. Plaintiff's Motion for Extension of Time [359] is GRANTED. The following documents are STRICKEN from the docket and shall be returned to the filing party: Ms. Brewer's Motion to Strike Order or Make Payment for Order for Payment of Copy and Mail Fees [285]; Ms. Brewer's Memo in Support [286]; Ms. Brewer's Affidavit in Support [287]; Ms. Brewer's Notice [295]; Ms. Brewer's Notice [296]; plaintiff's Notice [300]; plaintiff's Motion for Summary Judgment [305]; plaintiff's Memo in Support [306]; plaintiff's Objections [314]; plaintiff's Memo in Support [315]; plaintiff's Affidavit in Support [316]; plaintiff's Objection [322]; plaintiff's Memo in Support [323]; plaintiff's Affidavit in Support [324]; plaintiff's Objection [326]; plaintiff's Memo in Support [327]; plaintiff's Affidavit in Support [328]; plaintiff's Objection [329]; plaintiff's Memo in Support [330]; plaintiff's Affidavit in Support [331]; plaintiff's Objections [339]; plaintiff's Memo of Objections [340]; plaintiff's Affidavit in Support [341]; plaintiff's Objections [345]; plaintiff's Memo in Support [346]; plaintiff's Declaration [347]; plaintiff's Objections [351]; plaintiff's Memo in Support [352]; plaintiff's Affidavit in Support [353]; plaintiff's Motion [354]; plaintiff's Memo in Support [355];

plaintiff's Affidavit in Support [356]; plaintiff's Objection [363]; plaintiff's Memo in Support [364]; plaintiff's Affidavit in Support [365] plaintiff's Certificate of Service [366]. Plaintiff's breach of contract claim is DISMISSED with prejudice as to all defendants. Defendant Dean Beeson is DISMISSED with prejudice as a defendant in this action. Ms. Brewer shall respond to the discovery requests that are the subject of plaintiff's Motion to Compel [332] and plaintiff's Motion to Compel [335] within eleven days. Ms. Brewer shall tender payment to plaintiff in the total amount of \$9.44 in valid currency or by valid negotiable instrument within thirty days. The Court's order [368] dated February 8, 2012, shall not be amended to direct Ms. Brewer to tender payment in the total amount of \$32.28, as opposed to \$17.38.

IT IS SO ORDERED.

DATED this 12th day of April, 2012.

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