

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

**JENNIFER ROWLAND,**

Plaintiff,

v.

**CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,**

Defendants.

No. 3:12-cv-00549-HU

OPINION AND ORDER

**MOSMAN, J.,**

On September 3, 2013, Magistrate Judge Hubel issued his Findings and Recommendation (“F&R”) [23] in the above-captioned case, recommending that the Commissioner’s final decision be affirmed and that this action be dismissed with prejudice. There were no objections.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. I am not bound by the recommendations of the magistrate judge; instead, I retain responsibility for making the final determination. I am required to review de novo those portions of the report or any specified findings or recommendations within it as to which an objection is made. 28 U.S.C. § 636(b)(1). However, I am not required to review, de novo or

under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no party has objected. *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 I am required to apply to the F&R depends on whether 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).

Upon review, I agree with Judge Hubel's recommendation, and I ADOPT the F&R [23] as my own opinion.

IT IS SO ORDERED.

Dated this 25th day of September, 2013.

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