IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

AMY BALDIN, an individual and as sole manager of **LUGANO PROPERTIES 4**, **LLC**, a Nevada Limited Liability Company,

Plaintiff,

No. 3:12-cv-00648-AC

v.

OPINION AND ORDER

WELLS FARGO BANK, N.A., a National Bank registered to do business in Oregon; and WELLS FARGO HOME MORTGAGE, a division of WELLS FARGO BANK, N.A.,

Defendants.

On April 12, 2016, Magistrate Judge Acosta issued his Findings and Recommendation [219], recommending Wells Fargo's Motion for Attorney Fees and Costs [205] should be GRANTED in part and DENIED in part. Judge Acosta recommends awarding Wells Fargo attorney fees in the amount of \$45,504.20 and costs in the amount of \$2,599.55. Plaintiff

objected in part [221], and Defendant responded [222].

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

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make a de novo determination regarding 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, 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 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).

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [219] as my own opinion.

IT IS SO ORDERED.

DATED this <u>24</u> day of May, 2016.

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