

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

GLASKER JACKSON,

Plaintiff,

v.

**MULTNOMAH COUNTY, and
MICHAEL D. SCHRUNK, District Attorney,**

Defendants.

No. 3:12-cv-00974-HU

OPINION AND ORDER

MOSMAN, J.,

On August 20, 2012, Magistrate Judge Hubel issued his Findings and Recommendation (“F&R”) [8] in the above-captioned case recommending that this case be dismissed for failure to state a claim. Plaintiff objected [11].

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 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 Hubel's recommendation, and I ADOPT the F&R [8] as my own opinion. Judge Hubel described the deficiencies in plaintiff's original complaint and granted plaintiff leave to amend it. Plaintiff's Amended Complaint failed to state a claim for which relief may be granted. Based on the foregoing, IT IS ORDERED that this case is DISMISSED with prejudice.

DATED this 26th day of September, 2012.

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