

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

## PORTLAND DIVISION

**BARBARA KLEIN,**

Plaintiff,

v.

**COMMISSIONER SOCIAL SECURITY,**

Defendant.

No. 3:12-cv-02201-SU

OPINION AND ORDER

**MOSMAN, J.,**

On October 13, 2015, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (F&R) [28], recommending that Plaintiff Barbara Klein's Motion for Attorney's Fees Under 42 U.S.C. § 406(b) [26] should be GRANTED. No objections to the Findings and Recommendation were 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 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 Sullivan's recommendation and I ADOPT the F&R [28] as my own opinion.

IT IS SO ORDERED.

DATED this 3rd day of November, 2015.

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