IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

DONNA RHODES,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

No. 3:13-cv-00362-PK

OPINION AND ORDER

MOSMAN, J.,

On June 27, 2014, Magistrate Judge Papak issued his Findings and Recommendation ("F&R") [18] in the above-captioned case, recommending that the final decision of the Commissioner be affirmed. Ms. Rhodes objected [20] and the Commissioner responded [21].

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 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 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 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).

I agree with Judge Papak's recommendation, and I ADOPT the F&R [18] as my own opinion. The Commissioner's final decision to deny Ms. Rhodes's applications for disability insurance benefits and supplemental security income is AFFIRMED.

IT IS SO ORDERED.

DATED this 13th day of August, 2014.

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