

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

**NORTHWEST ENVIRONMENTAL
DEFENSE CENTER,**

Plaintiff,

v.

**H&H WELDING, a business;
JOHNSON TRAN, an individual;
PARKROSE AUTO RECYCLING,
LLC, an Oregon domestic limited
liability company; MOYATA
ANOTTA, an individual,**

Defendants.

MOSMAN, J.,

On October 13, 2015, Magistrate Judge Acosta issued his Findings and Recommendation [79], recommending that Plaintiff Northwest Environmental Defense Center's Motion for an Order to Show Cause as to Why Defendants Should Not Be Found in Civil Contempt [70] should be GRANTED in part and DENIED in part. Judge Acosta recommended that Defendant Moyata Anotta should be ordered to pay \$11,600.00 to the Audubon Society and \$6,500.00 to Plaintiff within 60 days or, alternatively, in accordance with a payment plan agreed upon by the parties and filed with this court. In addition, Judge Acosta recommended that Defendant Anotta should

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be ordered to provide Plaintiff with the documentation called for under section III.5 of the Consent Decree. Defendant Anotta objected [82] and Plaintiff responded [83].

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 Acosta's recommendation and I ADOPT the F&R [79] as my own opinion.

IT IS SO ORDERED.

DATED this 2nd day of December, 2015.

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