

## UNITED STATES DISTRICT COURT

## DISTRICT OF OREGON

## PORTLAND DIVISION

U.S. BANK NATIONAL ASSOCIATION,  
as Trustee, on behalf of the Holders of the  
Home Equity Asset Trust 2006-7 Home Equity  
pass through Certificates, Series 2006-7,

Plaintiff,

v.

ROBERT J. LARRY, STATE OF OREGON,  
DISCOVERY FINANCIAL SERVICES, INC.  
FOX CAPITAL CORP., a Washington corporation,  
and OCCUPANTS OF THE PROPERTY,

Defendants.

**MOSMAN, J,**

Defendant Robert J. Larry removed this case to this court on September 3, 2013. (Not. of Removal [2].) Plaintiffs moved for remand [13] under 28 U.S.C. § 1441(b)(2). Mr. Larry moved for dismissal of the State of Oregon from the suit [18]. Judge Acosta issued his Findings and Recommendation [25], recommending that Plaintiff's Motion to Remand [13] be GRANTED and Defendant Larry's Motion to Dismiss [18] be DENIED as moot. (F&R [25] at 4.)

**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 [25] as my own opinion.

IT IS SO ORDERED.

DATED this 10<sup>th</sup> day of February, 2014.

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