

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL MAKANEOLE, individually
and on behalf of all similarly situated
individuals,

Case No. 3:14-cv-01528-JR

Plaintiff,

OPINION AND ORDER

v.

**SOLARWORLD INDUSTRIES
AMERICA, INC., et al.**,

Defendants.

MOSMAN, J.,

On May 17, 2022, Magistrate Judge Jolie Russo issued her Amended Findings and Recommendation (“F. & R.”) [ECF 393]. Judge Russo withdraws her F. & R. from May 2, 2022, [ECF 389] and recommends that I grant Plaintiff’s Motion for Settlement [ECF 374] as revised by the Supplemental Motion for Preliminary Approval of Class Action Settlement [ECF 391]. The parties filed notice with the Court indicating they would not be filing objections. I agree with Judge Russo.

STANDARD OF REVIEW

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).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation. I ADOPT the F. & R. [ECF 393] as my own opinion. I GRANT Plaintiff's Motion for Settlement [ECF 374] as revised by the Supplemental Motion for Preliminary Approval of Class Action Settlement [ECF 391].

IT IS SO ORDERED.

DATED this 2d day of June, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge