

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

## PORTLAND DIVISION

**JILL MILLER,**

Plaintiff,

v.

**OREGON RACING COMMISSION,  
JACK McGRAIL, AND CHRIS DUDLEY,**

Defendants.

No. 3:15-cv-00300-PK

OPINION AND ORDER

**MOSMAN, J.,**

On July 11, 2016, Magistrate Judge Papak issued his Findings and Recommendation (F&R) [27], recommending I enter an order DISMISSING Plaintiff's Oregon Constitutional claim and defamation claim with prejudice pursuant to the parties' stipulations; I GRANT IN PART the Motion to Dismiss [3] as to Plaintiff's Fourteenth Amendment Claim; DENY AS MOOT the Motion [3] as to Plaintiff's remaining state-law claims for sex and age discrimination; and REMAND to the Multnomah County Circuit Plaintiff's remaining state-law claims. 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 Papak's recommendation and I ADOPT the F&R [27] as my own opinion.

IT IS SO ORDERED.

DATED this 2nd day of August, 2016.

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