

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

## PORTLAND DIVISION

**TAISSA ACHCAR-WINKELS, RAY  
ACHCAR-WINCKELS**, *individually and as  
Parents and Next Friends of S.A., a minor,*

Plaintiffs,

v.

**LAKE OSWEGO SCHOOL DISTRICT**, *an  
Oregon municipal corporation; HEATHER  
BECK, *an individual; IAN LAMONT*, *an  
individual; KAYLA NORDLUM*, *an  
individual; SUZANNE YOUNG*, *an  
individual; and UNKNOWN STAFF*,  
*unknown individuals,**

Defendants.

No. 3:15-cv-00385-ST

OPINION AND ORDER

**MOSMAN, J.,**

On August 21, 2015, Magistrate Judge Janice Stewart issued her Findings and Recommendation (F&R) [54], recommending that Defendant Suzanne Young's Motion to Dismiss [38] should be GRANTED. 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 Stewart's recommendation and I ADOPT the F&R [54] as my own opinion.

IT IS SO ORDERED.

DATED this 15th day of September, 2015.

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