IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

NINA DEVERELL,

        Plaintiff,

    v.

DR. JOHN REX et al.,

        Defendants.

No. 3:15-cv-00836-PK

OPINION AND ORDER

MOSMAN, J.,

On July 12, 2017, Magistrate Judge Paul Papak issued his Findings and Recommendation ("F&R") [43], recommending that I GRANT Defendants' Motion for Summary Judgment [26]. To the extent the language in Plaintiff's response [38] is intended as a motion to strike Defendant Shelton's declaration and a motion to stay further proceedings, Judge Papak recommends that I DENY those motions. Neither party objected to the F&R.

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 recommendations as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

1 – OPINION AND ORDER

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 with 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 careful review, I agree with Judge Papak's recommendations and ADOPT the F&R [43] as my own opinion. Defendants' Motion for Summary Judgment [26] is GRANTED, and Plaintiff's motion to strike and motion to stay proceedings are DENIED. Plaintiff's case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this __3rd__ day of August, 2017.

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