

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PHILLIP DAVIS, JR. et al.,

Plaintiffs,

v.

**COUNTRYWIDE HOME LOANS,
et al.,**

Defendants.

MOSMAN, J.,

No. 3:15-cv-01750-AC

OPINION AND ORDER

On November 30, 2016, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) [37], recommending that I DENY Mr. Davis’s Motion for Order of Default Judgment [16], that I GRANT Defendants’ Request for Judicial Notice [24], and that I GRANT the Motion to Dismiss the Complaint [23]. Mr. Davis objected [39] and Defendants failed to respond.

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 careful review, I agree with Judge Acosta's recommendations and I ADOPT the F&R [37] as my own. Mr. Davis's Motion for Order of Default Judgment [16] is DENIED. Defendants' Request for Judicial Notice [24] is GRANTED. Defendants' Motion to Dismiss [23] is GRANTED. Mr. Davis's claims are DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 24 day of January, 2017.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN
Chief United States District Judge