

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

**JEFFREY BELL,**

Plaintiff,

v.

**UNITED STATES OF AMERICA,**

Defendant.

No. 3:15-CV-02176-SB

OPINION AND ORDER

**MOSMAN, J.,**

On December 14, 2017, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F&R) [110], recommending that Defendant's Motion for Summary Judgment [100] should be DENIED and Plaintiff's Dispositive Motion [99] should be DENIED and this case proceed to trial. Defendant objected [116]. Plaintiff did not respond.

**DISCUSSION**

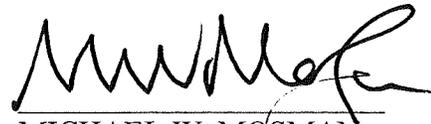
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination 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 review, and after hearing oral argument on the Motion for Summary Judgment, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [110] as stated on the record. Defendant's Motion for Summary Judgment [100] is DENIED and Plaintiff's Dispositive Motion [99] is also DENIED. This case will proceed to trial.

IT IS SO ORDERED.

DATED this 26 day of April, 2018.

  
MICHAEL W. MOSMAN  
Chief United States District Judge