

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

VINCENT L. WEBB,

Plaintiff,

v.

**MARLON RECREATIONAL
PRODUCTS USA, LTD., et al.,**

Defendants.

No. 3:15-cv-02380-SB

OPINION AND ORDER

MOSMAN, J.,

On October 4, 2016, Magistrate Judge Stacie Beckerman issued her Findings and Recommendation (“F&R”) [57], recommending that I deny Defendant Marty Dotterweich’s Motion to Dismiss for Lack of Jurisdiction [15]. Defendant objected to the F&R [60], and Plaintiff responded [62].

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 Beckerman's recommendations and I ADOPT the F&R [57] as my own. The Defendant's Motion to Dismiss for Lack of Jurisdiction [15] is DENIED.

IT IS SO ORDERED.

DATED this 6th day of December, 2016.

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