

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

**LINDA ANNE BOND,**

Plaintiff,

v.

**STATE OF OREGON et al.,**

Defendants.

No. 3:16-cv-00648-YY

OPINION AND ORDER

**MOSMAN, J.,**

On July 6, 2017, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [28], recommending that Defendants’ Motion for Summary Judgment [12] should be GRANTED as to Ms. Bond’s state-law negligence claim and DENIED as to Ms. Bond’s Section 1983 claim. 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 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 You's recommendations and ADOPT the F&R [28] as my own opinion. Defendants' Motion for Summary Judgment [12] is GRANTED in PART and DENIED in PART. The motion is GRANTED as to Ms. Bond's state-law negligence claim, which is DISMISSED without prejudice. The motion is DENIED as to her Section 1983 claim.

IT IS SO ORDERED.

DATED this 25 day of July, 2017.

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