IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

JAMES MICHAEL MURPHY, M.D.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 3:16-cv-00665-YY

OPINION AND ORDER

MOSMAN, J.,

On March 30, 2017, Magistrate Judge Youlee Yim You issued her Findings and Recommendation [44], recommending that the Government's Motion to Dismiss [15] should be GRANTED. Mr. Murphy objected to the F&R [48], and the Government responded [49].

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 review, I agree with Judge You's recommendation and ADOPT the F&R [44] as my own opinion. The Government's Motion to Dismiss [15] is GRANTED, and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 28th day of June, 2017.

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