

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

**U.S. BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR GREENPOINT MORTGAGE
FUNDING TRUST PASS THROUGH
CERTIFICATE SERIES 2006-AR4,**

Plaintiff,

v.

TERRENCE EDWARDS et al.,

Defendants.

No. 3:16-cv-01307-AC

OPINION AND ORDER

MOSMAN, J.,

On June 19, 2017, Magistrate Judge John v. Acosta issued his Findings and Recommendation (“F&R”) [27], recommending that U.S. Bank’s Motion to Dismiss [4] should be GRANTED in part and DENIED in part, and that Attorney Defendants’ Motion to Dismiss [9] should be GRANTED. No objections to the F&R were filed.

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).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendations and ADOPT the F&R [27] as my own opinion. Accordingly, I GRANT in part and DENY in part U.S. Bank's Motion to Dismiss [4], and GRANT Attorney Defendants' Motion to Dismiss [9]. However, I also give Mr. Edwards leave to amend his first counterclaim to assert additional facts supporting his securitization theory. Mr. Edwards's second counterclaim is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 3rd day of August, 2017.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN
Chief United States District Judge