IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

ANASTASIA BOFFOLI,

Plaintiff,

v.

MARK SWALKO,

Defendant.

No. 3:16-cv-01463-YY

OPINION AND ORDER

MOSMAN, J.,

On January 22, 2018, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (F&R) [23], recommending that Defendant Mr. Swalko's Motion for Summary Judgment [12] should be DENIED. Mr. Swalko objected [27]. Ms. Boffoli 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, I agree with Judge You's recommendation, and I ADOPT the F&R [23] as my own opinion. Mr. Swalko's Motion for Summary Judgment [12] is DENIED.

IT IS SO ORDERED.

DATED this 30th day of March, 2018.

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