

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

**JOSEF HABER**, an individual, on behalf of  
themselves and all others similarly situated, **et  
al.**,

Plaintiffs,

v.

**CITY OF PORTLAND et al.**,

Defendants.

No. 3:17-cv-01827-JR

OPINION AND ORDER

**MOSMAN, J.**,

On December 4, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 128]. Judge Russo recommended that I grant Defendants' Motion for Summary Judgment [ECF 84], deny Plaintiffs' Motion for Partial Summary Judgment [ECF 85], and dismiss this case. Both Parties filed objections. Upon review, I agree with Judge Russo and DISMISS this case with prejudice.

**STANDARD OF REVIEW**

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).

### CONCLUSION

Upon review, I agree with Judge Russo's findings and recommendation, and I ADOPT the F. & R. [ECF 128] as my own opinion. I GRANT Defendants' Motion for Summary Judgment [ECF 84] and DENY Plaintiffs' Motion for Partial Summary Judgment [ECF 85]. The case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 9 day of April, 2021.

Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Judge