

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

COREY RANSIER,

Plaintiff,

v.

**CRESTLINE CONSTRUCTION
COMPANY, LLC and ERIC KERR,**

Defendants.

No. 3:18-cv-00406-SB

OPINION AND ORDER

MOSMAN, J.,

On October 29, 2018, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F&R) [30], recommending that Defendant Kerr's Motion to Dismiss [8] should be GRANTED in part and DENIED in part. No objections 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 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 Beckerman's recommendation and I ADOPT the F&R [30] as my own opinion. Defendant Kerr's Motion to Dismiss [8] is GRANTED in part and DENIED in part.

IT IS SO ORDERED.

DATED this 11th day of January, 2019.

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