IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

DAMION BROMFIELD,

      Plaintiff,

    v.

TOYOTA MOTOR SALES COMPANY,

      Defendant.

No. 3:18-cv-00681-JR

OPINION AND ORDER

MOSMAN, J.,

On March 20, 2019, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F&R) [30], recommending that I GRANT Defendant's Motion to Dismiss [23]. Neither party objected.

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
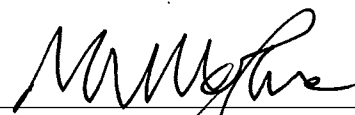
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conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny 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 recommendation and I ADOPT the F&R [30] in full. Defendant's Motion to Dismiss [23] is GRANTED. Plaintiff's claim under the Federal Trade Commission Act is dismissed with prejudice. Plaintiff is permitted leave to file an amended complaint on his breach of contract claim within fourteen (14) days. Plaintiff is advised that failure to file an amended complaint within the allotted time will result in the entry of a judgment of dismissal.

IT IS SO ORDERED.

DATED this 29 day of May, 2019.

MICHAEL W. MOSMAN
Chief United States District Judge