

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

BECKY WRIGHT,

Plaintiff,

No. 3:18-cv-01948-YY

v.

OPINION AND ORDER

STANDARD INSURANCE COMPANY,

Defendants.

MOSMAN, J.,

On May 6, 2021, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F. & R.”) [ECF 47]. Judge You recommends that I (1) construe Ms. Wright’s motion [ECF 32] as a Motion for Summary Judgment and DENY, and (2) GRANT Defendant’s Motion for Summary Judgment [ECF 37]. Plaintiff filed objections [ECF 49] to the F. & R. on May 20, 2021. Defendant responded [ECF 50] on June 3, 2021. I agree with Judge You’s thorough and well-reasoned opinion.

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 You's recommendations, I ADOPT her F. & R. [ECF 47] as my own opinion, and I GRANT Defendant's Motion for Summary Judgment [ECF 37]. I construe Ms. Wright's motion [ECF 32] as a Motion for Summary Judgment and DENY.

IT IS SO ORDERED.

DATED this 25th day of August, 2021.


MICHAEL W. MOSMAN
United States District Judge