

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

CHARLES PACE,

Plaintiff,

v.

PORTLAND COMMUNITY COLLEGE,

Defendant.

No. 3:19-CV-00745-YY

OPINION AND ORDER

MOSMAN, J.,

On October 5, 2020, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (F. & R.) [ECF 76]. Judge You recommended that I grant Defendant's Motion to Dismiss [ECF 59] and dismiss the case with prejudice. No timely objections were filed. Upon review, I agree with Judge You and GRANT Defendant's Motion to Dismiss [ECF 59] and DISMISS this case with prejudice.

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

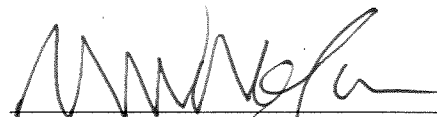
recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas 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).

CONCLUSION

Upon review, I agree with Judge You's recommendation and I ADOPT the F. & R. [ECF 76] as my own opinion. Defendant's Motion to Dismiss [ECF 59] is GRANTED and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 30 day of December, 2020.


MICHAEL W. MOSMAN
United States District Judge