

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

JIWEI XIA,

Plaintiff,

No. 3:20-cv-01468-JR

v.

OPINION AND ORDER

LOREN K. MILLER, *Director of the
Nebraska Service Center of the United States
Citizenship and Immigration Services, et al.*,

Defendants.

MOSMAN, J.,

On November 18, 2021, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F. & R.”) [ECF 24]. Judge Russo recommends that I deny Plaintiff’s Motion for Summary Judgment [ECF 19], grant Defendants’ Cross Motion for Summary Judgment [ECF 21], and enter judgment dismissing this case. Objections were due on December 2, 2021, but none were filed. I agree with Judge Russo.

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 recommendation, I ADOPT her F. & R. [ECF 24] as my own opinion, I DENY Plaintiff's Motion for Summary Judgment [ECF 19], GRANT Defendants' Cross Motion for Summary Judgment [ECF 21], and I DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 6th day of December, 2021.


MICHAEL W. MOSMAN
United States District Judge