

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

**MELVIA WILSON,**

Plaintiff,

v.

No. 3:20-cv-1819-JR

**STATE OF OREGON, DEPARTMENT  
OF HUMAN SERVICES, et al.,**

OPINION AND ORDER

Defendants.

**MOSMAN, J.,**

On March 4, 2021, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 23]. Judge Russo recommended that I grant Multnomah County Defendants' Motion to Dismiss [ECF 9], grant the State of Oregon Defendants' Partial Motion to Dismiss [ECF 10], and give Plaintiff leave to amend her complaint. No objections were filed. Upon review, I agree with Judge Russo.

**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

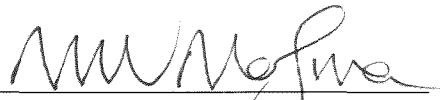
is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 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 Russo's findings and recommendation and I ADOPT the F. & R. [ECF 23]. I GRANT the Multnomah County Defendants' Motion to Dismiss [ECF 9] and GRANT the State of Oregon Defendants' Partial Motion to Dismiss [ECF 10]. Plaintiff is granted leave to amend her complaint.

IT IS SO ORDERED.

DATED this 9<sup>th</sup> day of April, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge