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

MELVIA WILSON,

Plaintiff,

No. 3:20-cv-01819-JR

v.

OPINION AND ORDER

STATE OF OREGON, DEPARTMENT OF HUMAN SERVICES, MULTNOMAH COUNTY, JENNIFER COBB, NATALIE TAYLOR, and HEATHER KILMER,

Defendants.

## MOSMAN, J.,

On June 30, 2022, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation ("F&R") [ECF 84], recommending that I deny Jennifer Cobb's Motion to Dismiss [ECF 72] and deny Melvia Wilson's Motion for Appointment of Counsel [ECF 74]. Wilson filed objections to the F&R on July 7, 2022 [ECF 87] and Cobb filed objections to the F&R on July 14, 2022 [ECF 88]. Upon review, I agree with Judge Russo. I DENY the Motion to Dismiss and DENY the Motion for Appointment of Counsel.

## **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,

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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, and I ADOPT the F&R [ECF

84] as my own opinion. The Motion to Dismiss [ECF 72] is DENIED and the Motion for

Appointment of Counsel [ECF 74] is DENIED.

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of September, 2022.

MICHAEL W. MOSMAN

Senior United States District Judge