

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**SHAWN JAMISON,**

Plaintiff,

v.

**LIFE INSURANCE COMPANY OF  
NORTH AMERICA, JAGUAR LAND  
ROVER NORTH AMERICA, LLC,**

Defendants.

**JAGUAR LAND ROVER NORTH  
AMERICA, LLC,**

Cross Claimant,

Case No. 3:21-cv-00039-YY

OPINION & ORDER

v.

**LIFE INSURANCE COMPANY OF  
NORTH AMERICA,**

Cross Defendant.

**LIFE INSURANCE COMPANY OF  
NORTH AMERICA,**

Cross Claimant,

v.

**JAGUAR LAND ROVER NORTH  
AMERICA, LLC,**

Cross Defendant.

**MOSMAN, J.,**

On May 4, 2022, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 53], recommending that I grant Defendant Jaguar Land Rover North America, LLC’s cross-motion for summary judgment [ECF 41]; that I dismiss cross-claims from Jaguar and Defendant Life Insurance Company of North America (LINA) for lack of subject matter jurisdiction; and that I deny Plaintiff Shawn Jamison’s motion for trial on the administrative record [ECF 22] and Jaguar’s motion to dismiss cross-claims [ECF 39] as moot. Objections were due May 18, 2022, but none were filed. Upon review, I agree with Judge You.

### **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 53] as my own opinion. I GRANT Jaguar’s cross-motion for summary judgment for lack of

subject matter jurisdiction [ECF 41] and dismiss Jamison's complaint without prejudice. I decline to exercise supplemental jurisdiction under 28 U.S.C. §§ 1367(a) and (c) and therefore dismiss Jaguar and LINA's crossclaims without prejudice. I deny Jamison's motion for trial on the administrative record [ECF 22] and Jaguar's motion to dismiss cross-claims [ECF 39] as moot.

IT IS SO ORDERED.

DATED this 20 day of ~~May~~ <sup>June</sup>, 2022.

  
MICHAEL W. MOSMAN  
Senior United States District Judge