

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

**MICHAEL RAY SWANSON,**

Plaintiff,

No. 3:21-cv-00350-YY

v.

OPINION AND ORDER

**UNITED STATES,**

Defendant.

**MOSMAN, J.,**

On March 15, 2021, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F. & R.”) [ECF 6]. In her F. & R., Judge You recommends that I dismiss this case with prejudice. Plaintiff filed an Amended Complaint and Objections [ECF 8]. He also filed a document titled “Responses” [ECF 10], along with Supplemental Objections [ECF 11]. Upon review of Judge You’s F. & R. and Plaintiff’s subsequent filings, I agree with Judge You’s recommendation, and I ADOPT Judge You’s F. & R. as my own opinion.

**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 ADOPT Judge You's F. & R. [ECF 6] as my own opinion and DISMISS this case with prejudice. All other pending motions are DENIED as moot.

IT IS SO ORDERED.

DATED this 15<sup>th</sup> day of April, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge