

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

LARRY JOHNSON; MICHELLE HUME,

Plaintiffs,

v.

No. 3:21-cv-947-JR
(Lead Case)

**GUARDIAN MANAGEMENT; KELLY
PAINE; LISA SIMONSON,**

Defendants.

MICHELLE HUME; LARRY JOHNSON,

OPINION AND ORDER

Plaintiffs,

v.

No. 3:21-cv-1439-JR
(Trailing Case)

**THOMAS BARRY BRENNEKE JUNIOR;
GUARDIAN MANAGEMENT;
GUARDIAN REAL ESTATE SERVICE;
UPTOWN TOWER APARTMENTS;
KELLY PAINE; LISA SIMONSON,**

Defendants.

MOSMAN, J.,

On July 21, 2022, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 49]¹ recommending that I grant Defendants’ Motions for

¹ All citations are to documents in the lead case.

Summary Judgment [ECF 44] and dismiss both cases. Plaintiff Larry Johnson filed objections to the F&R on August 8, 2022 [ECF 51]. Upon review, I agree with Judge Russo. I GRANT the Motions for Summary Judgment and DISMISS both cases.

DISCUSSION

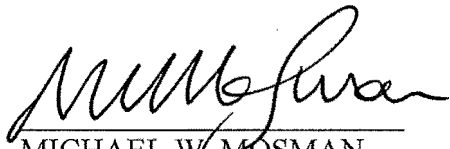
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination 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 recommendation, and I ADOPT the F&R [ECF 49] as my own opinion. The Motions for Summary Judgment [ECF 44] are GRANTED, and both cases are DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 15th day of September, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge