

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

**OREGON NURSES ASSOCIATION,**

Plaintiff,

No. 3:21-cv-01570-JR

v.

OPINION AND ORDER

**PROVIDENCE HEALTH & SERVICES  
OREGON,**

Defendant.

**MOSMAN, J.,**

On January 21, 2022, Magistrate Judge Jolie Russo issued her Findings and Recommendation (“F. & R.”) [ECF 15]. Judge Russo recommends that I grant Defendant’s Motion to Dismiss [ECF 10] as to Plaintiff’s procedural arbitrability claim and deny in all other respects. Objections were due on February 4, 2022, but none were filed. I agree with Judge Russo.

**STANDARD OF REVIEW**

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

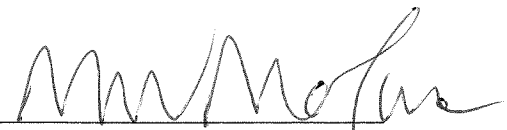
recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas 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, I ADOPT her F. & R. [ECF 15] as my own opinion, and I GRANT Defendant's Motion to Dismiss [ECF 10] as to Plaintiff's procedural arbitrability claim and DENY in all other respects.

IT IS SO ORDERED.

DATED this 9<sup>th</sup> day of February, 2022.

  
MICHAEL W. MOSMAN  
United States District Judge