

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

**MELVIA WILSON,**

Plaintiff,

v.

**OREGON DEPARTMENT OF HUMAN  
SERVICES, FARIBORZ  
PAKSERESHT, CAROLINA  
CABALLERO, LESSONIA  
ODIGHIZUA, JENNIFER DEVANE,  
ALEXIS ALBERTI, LINDA DELISLE,  
CHARLIE JENKINS, and REGINAL  
RICHARDSON,**

Defendants.

No. 3:22-cv-00303-JR

OPINION AND ORDER

**MOSMAN, J.,**

On July 13, 2023, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 54], recommending that I grant Melvia Wilson’s Motion for Voluntary Dismissal [ECF 50] and deny Wilsons’ Motion for Leave to Amend as moot. Wilson filed objections to the F&R on July 21, 2023 [ECF 56]. State Defendants did not file objections of responses. Upon review, I agree with Judge Russo. I GRANT the Motion for Voluntary Dismissal and DENY the Motion for Leave to Amend.

### DISCUSSION

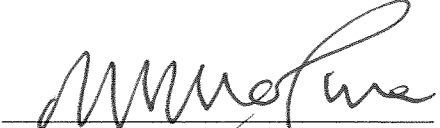
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination 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 54] as my own opinion. The Motion for Voluntary Dismissal Without Prejudice [ECF 50] is GRANTED and the Amended Motion for Leave to Amend [ECF 42] is DENIED as moot.

IT IS SO ORDERED.

DATED this 14 day of August, 2023.

  
MICHAEL W. MOSMAN  
Senior United States District Judge