

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**MELINDA RUSCITTI,**

Plaintiff,

v.

**LEGACY HEALTH,**

Defendant.

Case No. 3:23-cv-00787-JR

**ORDER ADOPTING THE FINDINGS  
AND RECOMMENDATION**

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Attorney for Plaintiff.

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Ninth Ave., Suite 3000, Portland, OR 97205. Attorneys for Defendant.

**IMMERGUT, District Judge.**

United States Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) in this case on March 18, 2024. ECF 30. Plaintiff Melinda Ruscitti filed Objections to the F&R, ECF 34, to which Defendant Legacy Health responded, ECF 35. This Court has reviewed de novo the portions of the F&R to which Plaintiff objected. For the following reasons, this Court ADOPTS Judge Russo’s F&R.

## STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

## CONCLUSION

This Court has reviewed de novo the portions of Judge Russo’s F&R to which Plaintiff objected. Judge Russo’s F&R, ECF 30, is adopted in full. This Court GRANTS Defendant’s Motion to Dismiss, ECF 17, and DISMISSES this case with prejudice.

**IT IS SO ORDERED.**

DATED this 8th day of May, 2024.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge