

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID H. BROWN,

Plaintiff,

v.

JEFF PREMIO, Oregon State Penitentiary
Facility Warden, et al.,

Defendants.

Case No. 6:20-cv-00231-JR

OPINION AND ORDER

MOSMAN, J.,

On August 10, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 21], recommending that this court grant Defendants’ Motion to Dismiss [ECF 15]. No objections were filed. Upon review, I agree with Judge Russo. I GRANT the motion and DISMISS this case.

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

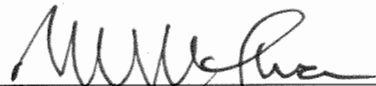
the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or 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 [21]. I GRANT Defendants' Motion to Dismiss [15] and DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 31st day of Aug, 2020.


MICHAEL W. MOSMAN
United States District Judge