

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

**JEFFREY D. FORTER, et al.,**

Plaintiffs,

No. 6:21-cv-00478-SB

v.

**GOVERNOR KATE BROWN, et al.,**

Defendants.

OPINION AND ORDER

**MOSMAN, J.,**

On February 3, 2022, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F. & R.”) [ECF 29]. Judge Beckerman recommends that I deny the Motion to Remand. Objections were due on February 17, 2022, but none were filed. I agree with Judge Beckerman.

**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

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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 Beckerman's recommendation, I ADOPT her F. & R. [ECF 29] as my own opinion, and I DENY the Motion to Remand [ECF 5].

IT IS SO ORDERED.

DATED this 5<sup>th</sup> day of May, 2022.

  
MICHAEL W. MOSMAN  
Senior United States District Judge