

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

ELISEO LEE SALINAS,

Petitioner,

v.

JOSHUA HIGHBERGER,

Respondent.

Case No. 6:22-cv-00839-YY

**OPINION AND ORDER ADOPTING
THE FINDINGS AND
RECOMMENDATION**

Eliseo Lee Salinas, 16780195, Oregon State Correctional Institution, 3405 Deer Park Drive SE, Salem, OR 97310. Pro Se Plaintiff.

Nick M. Kallstrom, Oregon Department of Justice, 1162 Court Street, NE, Salem, OR 97301. Attorney for Defendant.

IMMERGUT, District Judge.

This Court has reviewed Judge You’s Findings and Recommendation (“F&R”), ECF 30. For the following reasons, the Court ADOPTS Judge You’s F&R and therefore DENIES the Petition for Writ of Habeas Corpus, ECF 2.

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

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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 to which no objections are addressed. *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

Petitioner did not timely object to Judge You’s F&R. Nonetheless, this Court has reviewed de novo Judge You’s F&R, ECF 30, and now adopts it in full. This Court thus DENIES the Petition for Writ of Habeas Corpus, ECF 2.

IT IS SO ORDERED.

DATED this 15th day of November, 2023.

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