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

Paul R Garcia,
Plaintiff,
v.
Hillcrest, Davidson and Associates LLC,
Defendant.

No. CV-16-00265-TUC-BPV
ORDER

Pending before the Court is Plaintiff Paul Garcia’s Motion for Default Judgment (Doc. 12) and Magistrate Judge Velasco’s Report and Recommendation (“R & R”) (Doc. 14). For the following reasons, the Court shall adopt the R & R.

Discussion

The duties of the district court in connection with a R & R are set forth in Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). The district court may “accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1).

Where the parties object to an R & R, “[a] judge of the [district] court shall make a de novo determination of those portions of the [R & R] to which objection is made.” 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). When no objection is filed, the district court need not review the R & R de novo. *Wang v. Masaitis*, 416 F.3d 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22

1 (9th Cir. 2003) (en banc). The Court will not disturb a magistrate judge’s order unless his
2 factual findings are clearly erroneous or his legal conclusions are contrary to law. 28
3 U.S.C. § 636(b)(1)(A). “[T]he magistrate judge’s decision...is entitled to great deference
4 by the district court.” *United States v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir.
5 2001). A failure to raise an objection waives all objections to the magistrate judge’s
6 findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object
7 to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety
8 of finding waiver of an issue on appeal.” *Id.* (internal citations omitted).

9 Here, the parties have not objected to the R & R, which relieves the Court of its
10 obligation to review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
11 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not ...
12 require any review at all ... of any issue that is not the subject of an objection.”);
13 Fed.R.Civ.P. 72(b)(3) (“The district judge must determine de novo any part of the
14 magistrate judge's disposition that has been properly objected to.”). This Court considers
15 the R & R to be thorough and well-reasoned. After a thorough and de novo review of the
16 record, the Court accepts adopts Magistrate Judge D. Velasco’s R & R.

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that Magistrate Judge Velasco's Report and
3 Recommendation is **ACCEPTED** and **ADOPTED** as the findings of fact and
4 conclusions of law by this Court. Doc. 14.

5 **IT IS FURTHER ORDERED** that Plaintiff Paul Garcia's Amended Motion for
6 Default judgment is granted. Doc. 12. Actual entry of default judgment is deferred until
7 Plaintiff has submitted the appropriate supplemental briefing and documentation
8 concerning the costs of litigation and attorney's fees for the Court's consideration in
9 determining the proper amount to award. If Plaintiff fails to submit the supplemental
10 briefing and documentation within 30 days from the date of this order, then the Court will
11 direct the Clerk to enter default judgment without an award of costs or attorney's fees,
12 but shall award Plaintiff \$1,000 in statutory damages.

13 Dated this 10th day of August, 2017.

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Honorable Raner C. Collins
Chief United States District Judge