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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Bill Ward,

10 Plaintiff,

11 v.

12 Life Care Centers of America Incorporated,

13 Defendant.
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No. CV-16-00741-TUC-RCC (JMR)

ORDER

15 Pending before the Court is Defendant Life Care Centers of America, Inc.'s
16 Motion for Summary Judgement pursuant to Fed. R. Civ. P. 56 and LRCiv. 56.1 (Doc.
17 51) and Magistrate Judge Jacqueline M. Rateau's Report and Recommendation
18 ("R&R")(Doc. 59). Neither Plaintiff nor Defendant filed objections to the R&R, which
19 recommends that this Court should grant Defendant's motion.

20 The duties of the district court in connection with a R&R are set forth in Rule 72
21 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Thereunder the
22 district court may "accept, reject, or modify the recommended disposition; receive further
23 evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P.
24 72(b)(3); 28 U.S.C. § 636(b)(1).

25 Where the parties object to an R&R, "[a] judge of the [district] court shall make a
26 *de novo* determination of those portions of the [R & R] to which objection is made." 28
27 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). When no objection
28 is filed, the district court need not review the R&R *de novo*. *Wang v. Masaitis*, 416 F.3d

1 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22
2 (9th Cir. 2003) (en banc). “[T]he magistrate judge’s decision...is entitled to great
3 deference by the district court.” *United States v. Abonce-Barrera*, 257 F.3d 959, 969 (9th
4 Cir. 2001). The Court will not disturb a magistrate judge’s recommendation unless his
5 factual findings are clearly erroneous or his legal conclusions are contrary to law. 28
6 U.S.C. § 636(b)(1)(A).

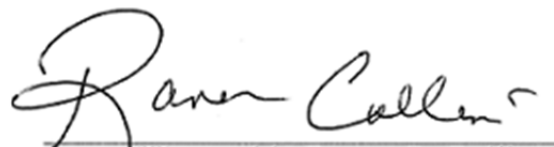
7 Having independently reviewed the pleadings and record in this matter, this Court
8 considers the R&R to be thorough and well-reasoned. The Court will accept and adopt
9 the R&R in its entirety. As the underlying motion seeks summary judgment on all of
10 Plaintiff’s claims, the Court further finds that dismissal with prejudice is appropriate.

11 Accordingly,

12 **IT IS ORDERED:**

- 13 1. This Court **ACCEPTS** and **ADOPTS** Magistrate Judge Rateau’s R&R (**Doc. 59**).
14 2. Defendant’s Motion for Summary Judgment (**Doc. 51**) is **GRANTED**.
15 3. This case is **DISMISSED** with Prejudice.
16 4. The Clerk of the Court shall close its file in this matter.

17 Dated this 5th day of November, 2018.

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22 Honorable Raner C. Collins
23 United States District Judge
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