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

Bill Ward,

Plaintiff,

v.

Life Care Centers of America,

Defendant.

No. CV-16-00741-TUC-RCC

**ORDER**

Pending before Defendant Life Care Center of America, Inc.’s unopposed Motion for Award of Attorney’s Fees (Doc. 64) and Magistrate Judge Rateau’s January 4, 2019 Report and Recommendation (“R&R”) recommending that this Court grant in part and deny in part the motion (Doc. 69). Neither party filed objections to the R&R.

The Court accepts and adopts Magistrate Judge Ferraro’s R & R as the findings of fact and conclusions of law of this Court.

**I. Background**

The factual and procedural background of this matter are thoroughly detailed in the R&R. The Court fully incorporates by reference this section of the R&R.

**II. 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). Thereunder the district court may “accept, reject, or modify the recommended disposition; receive further

1 evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P.  
2 72(b)(3); 28 U.S.C. § 636(b)(1).

3 Where the parties object to an R & R, “[a] judge of the [district] court shall make a  
4 de novo determination of those portions of the [R & R] to which objection is made.” 28  
5 U.S.C. § 636(b)(1); see *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). When no objection  
6 is filed, the district court need not review the R & R de novo. *Wang v. Masaitis*, 416 F.3d  
7 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22  
8 (9th Cir. 2003) (en banc). “[T]he magistrate judge’s decision...is entitled to great  
9 deference by the district court.” *U.S. v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir.  
10 2001). The Court will not disturb a magistrate judge’s recommendation unless his factual  
11 findings are clearly erroneous or his legal conclusions are contrary to law. 28 U.S.C. §  
12 636(b)(1)(A).

13 Here, the parties have not objected to the R & R, which relieves the Court of its  
14 obligation to review either the factual findings or legal conclusions de novo. See *United*  
15 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S.  
16 140, 149 (1985) (“[Section 636(b)(1) ] does not ... require any review at all ... of any  
17 issue that is not the subject of an objection.”); Fed.R.Civ.P. 72(b)(3) (“The district judge  
18 must determine de novo any part of the magistrate judge's disposition that has been  
19 properly objected to.”).

20 Having independently reviewed the motion, controlling caselaw and record in this  
21 matter, this Court finds the R & R to be thorough and well-reasoned. The Court will  
22 accept adopt the R&R in its entirety. Accordingly,

23 ...

24 ...

25 ...

26 **IT IS ORDERED:**

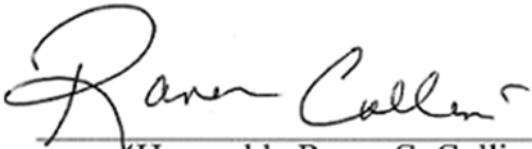
- 27 1. Magistrate Judge Rateau’s R&R (**Doc. 69**) is **ACCEPTED** and **ADOPTED**  
28 as the findings of fact and conclusions of law by this Court;

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2. Defendant's Motion for Award of Attorney's Fees (**Doc. 64**) is **GRANTED IN PART AND DENIED IN PART. Defendant is awarded attorney's fees in the amount of \$3,452.85.**

3. This case is to remain CLOSED.

Dated this 25th day of January, 2019.

  
\_\_\_\_\_  
Honorable Raner C. Collins  
United States District Judge