



1 the Ninth Circuit on March 3, 2014 after the entry of a Judgment. (ECF No. 141 and  
2 ECF No. 144).

3 On December 12, 2014, Plaintiff filed a motion for relief from judgment seeking  
4 relief from judgment against Defendant Thomas. (ECF No. 152). Plaintiff's appeal  
5 was stayed pending ruling on this motion. (ECF No. 154).

6 On June 18, 2015, the Magistrate Judge issued a Report and Recommendation,  
7 recommending that the Motion for Relief from Judgment be denied. (ECF No. 164).  
8 After an extension of time, Plaintiff's objections were due "no later than September 1,  
9 2015." (ECF No. 168). No objections have been filed.

### 10 REVIEW OF THE REPORT AND RECOMMENDATION

11 The duties of the district court in connection with a report and recommendation  
12 of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28  
13 U.S.C. § 636(b). The district judge must "make a de novo determination of those  
14 portions of the report ... to which objection is made," and "may accept, reject, or  
15 modify, in whole or in part, the findings or recommendations made by the magistrate."  
16 28 U.S.C. § 636(b). The district court need not review de novo those portions of a  
17 report and recommendation to which neither party objects. *See Wang v. Masaitis*, 416  
18 F.3d 992, 1000 n.13 (9th Cir. 2005); *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1121-22 (9th  
19 Cir. 2003) (en banc).

20 After reviewing the Report and Recommendation and the record in its entirety,  
21 the Court finds that the Magistrate Judge correctly found that Plaintiff's Motion for  
22 Relief from Judgment should be denied.

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**CONCLUSION**

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED in its entirety. (ECF No. 164). The Motion for Relief from Judgment under Rule 60(b)(2) (ECF No. 152) is denied.

DATED: September 8, 2015

  
**WILLIAM Q. HAYES**  
United States District Judge