

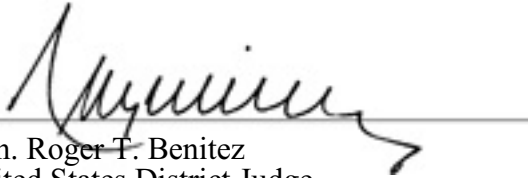
1 recommendation] that has been properly objected to.” FED. R. CIV. P. 72(b)(3). However,
2 “[t]he statute makes it clear that the district judge must review the magistrate judge’s findings
3 and recommendations de novo *if objection is made*, but not otherwise.” *United States v.*
4 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original), *cert*
5 *denied*, 540 U.S. 900 (2003); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.
6 2005). “Neither the Constitution nor the statute requires a district judge to review, de novo,
7 findings and recommendations that the parties themselves accept as correct.” *Reyna-Tapia*,
8 328 F.3d at 1121. Accordingly, the Court may grant Defendants’ motion to dismiss on this
9 basis alone.

10 The Court has, however, reviewed the matter de novo and agrees that the motion to
11 dismiss should be granted because Plaintiff has failed to state a claim for denial of equal
12 protection. He fails to allege facts demonstrating he is a member of a protected class or that
13 his membership in that class led to his treatment.

14 In the absence of any objections and after a de novo review, the Court fully **ADOPTS**
15 Judge McCurine’s Report and **DISMISSES** Plaintiff’s Fourteenth Amendment Equal
16 Protection Claim.

17
18
19
20
21
22
23
24
25
26
27
28

DATED: July 1, 2011


Hon. Roger T. Benitez
United States District Judge