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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RICARDO RIVERA,

vs.

D. URIBE, Warden, et al.,

Plaintiff,

Defendants.

CASE NO. 10cv2245-LAB (BGS)
**ORDER ADOPTING REPORT
AND RECOMMENDATION; AND
ORDER OF DISMISSAL**

Plaintiff Ricardo Rivera filed his complaint on October 28, 2010, bringing claims under 42 U.S.C. § 1983. Defendants then moved to dismiss, and their motion was referred to Magistrate Judge Bernard Skomal for report and recommendation, pursuant to 28 U.S.C. § 636. On February 7, 2012, Judge Skomal issued his report and recommendation (the "R&R"), recommending that the complaint be dismissed without leave to amend, because Rivera had not exhausted his administrative remedies and it was too late for him to do so. The R&R also recommended declining to exercise supplemental jurisdiction over Rivera's state law claims, since his federal claims would be dismissed. The R&R required any party wishing to object to file objections within seventeen days of being served with the R&R. Since then, no objections have been filed.

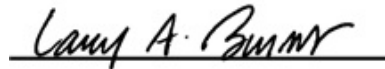
A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must

1 determine de novo any part of the magistrate judge's disposition that has been properly
2 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the
3 findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). When,
4 as here, no objections are filed, the Court need not review *de novo* the Report and
5 Recommendation. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).

6 The Court has reviewed the R&R and finds it to be correct. Because neither party
7 objects to it, the Court **ADOPTS** it. This action is therefore **DISMISSED WITHOUT LEAVE**
8 **TO AMEND.**

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10 **IT IS SO ORDERED.**

11 DATED: March 5, 2012

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13 **HONORABLE LARRY ALAN BURNS**
14 United States District Judge

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