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

ANDREW NILON, individually, and on
behalf of all others similarly situated,,

Plaintiff,

vs.

NATURAL-IMMUNOGENICS CORP.,
and DOES 1-25, Inclusive,,

Defendant.

CASE NO. 3:12-CV-00930-LAB
(BGS)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Judge Skomal issued his report and recommendation (the "R&R") on Defendant Natural Immunogenics's motion for contempt and imposition of sanctions, recommending that the motion be denied.

Objections to the R&R were due on November 14, 2014. To date, Defendant has not filed objections, nor sought additional time in which to do so. Judge Skomal's order warned Defendant that "failure to file objections within the specified time may waive the right to raise those objections on appeal of the Court's Order." That is right. And in the typical case, the failure to oppose an R&R is nearly cause for the Court to summarily adopt it. See, e.g., *Kuss v. Wright*, 2013 WL 173000 at *1 (W.D. Wash. Jan. 16, 2013); *Coreno v. Armstrong*, 2011 WL 4571754 at *1 (S.D. Cal. Sept. 30, 2011); *Bury v. Adams*, 2006 WL 1832447 at *1 (E.D. Cal. June 27, 2013).

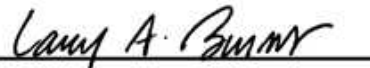
1 A district court has jurisdiction to review a magistrate judge's report and
2 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). A magistrate judge's
3 determination of non-dispositive matters is entitled to deference unless it is clearly erroneous
4 or contrary to law. *Grimes v. City & County of San Francisco*, 951 F.2d 236, 241 (9th
5 Cir.1991) (citing 28 U.S.C. § 636(b)(1)(A) and Fed.R.Civ.P. 72(a)). But "28 U.S.C. § 636,
6 which governs the jurisdiction and powers of magistrates, requires a magistrate to refer
7 contempt charges to a district court judge." *Id.* at 240.

8 "The district judge must determine de novo any part of the magistrate judge's
9 disposition that has been properly objected to." Fed. R. Civ. P. "A judge of the court may
10 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
11 magistrate judge." 28 U.S.C. § 636(b)(1). This section does not require some lesser review
12 by the district court when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149-50
13 (1985). The "statute makes it clear that the district judge must review the magistrate judge's
14 findings and recommendations de novo *if objection is made*, but not otherwise." *United*
15 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

16 The Court has nonetheless reviewed the R&R and agrees with its rationale and
17 conclusions. The R&R is **ADOPTED** and Defendant's motion for contempt and imposition
18 of sanctions is **DENIED**.

19 **IT IS SO ORDERED.**

20 DATED: January 14, 2015

21 
22 _____
23 **HONORABLE LARRY ALAN BURNS**
24 United States District Judge