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

ROBERT MARK BROWN II,  
Plaintiff,

v.

WILLIAM GORE, Sheriff of San  
Diego County; DEPUTY FULLER;  
DEPUTY STEPHENS,  
Defendants.

Case No. 14-cv-102-BAS-KSC

- ORDER:**
- (1) ADOPTING REPORT AND RECOMMENDATION IN ITS ENTIRETY;**
  - (2) GRANTING DEFENDANTS’ MOTION TO DISMISS FOR FAILURE TO PROSECUTE;**
  - (3) DENYING PLAINTIFF’S MOTION TO REOPEN DISCOVERY; AND**
  - (4) TERMINATING AS MOOT PLAINTIFF’S MOTION FOR SANCTIONS**

On January 15, 2014, Plaintiff Robert Mark Brown II, a state prisoner proceeding *pro se* and *in forma pauperis*, filed a complaint asserting civil-rights violations under 42 U.S.C. § 1983. (ECF No. 1.) Since that time, the case has largely stalled due to Brown’s request to extend the discovery deadline, and Brown’s release from prison in April 2015. Upon his release from prison, Brown left no forwarding address, effectively blocking Defendants from conducting discovery. Brown was re-incarcerated on October 1, 2015. On December 24, 2015, Defendants filed a motion

1 to dismiss for lack of prosecution. (ECF No. 48.)

2 On July 20, 2016, United States Magistrate Judge Karen S. Crawford issued a  
3 Report and Recommendation (“R&R”) (ECF No. 70), recommending that this Court  
4 grant Defendants’ motion to dismiss for lack of prosecution, deny Plaintiff’s motion  
5 to re-open discovery (ECF No. 50), and deny as moot Plaintiff’s motion for sanctions.  
6 (ECF No. 55). The deadline for filing objections to the R&R was August 3, 2016.  
7 Four weeks have passed since the August 3 deadline and neither party has filed  
8 objections.

### 9 **I. DISCUSSION**

10 The Court reviews *de novo* those portions of an R&R to which objections are  
11 made. *See* 28 U.S.C. § 636(b)(1). The Court may “accept, reject, or modify, in whole  
12 or in part, the findings or recommendations made by the magistrate judge.” *Id.* “The  
13 statute makes it clear,” however, “that the district judge must review the magistrate  
14 judge’s findings and recommendations *de novo if objection is made*, but not  
15 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en  
16 banc) (emphasis in original); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
17 1226 (D. Ariz. 2003) (concluding that where no objections were filed, the district  
18 court had no obligation to review the magistrate judge’s report). “Neither the  
19 Constitution nor the statute requires a district judge to review, *de novo*, findings and  
20 recommendations that the parties themselves accept as correct.” *Reyna-Tapia*, 328  
21 F.3d at 1121. This legal rule is well-established in the Ninth Circuit and this district.  
22 *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005) (“Of course, *de novo*  
23 review of a[n] R & R is only required when an objection is made to the R & R.”);  
24 *Nelson v. Giurbino*, 395 F. Supp. 2d 946, 949 (S.D. Cal. 2005) (Lorenz, J.) (adopting  
25 report in its entirety without review because neither party filed objections to the  
26 report despite the opportunity to do so); *see also Nichols v. Logan*, 355 F. Supp. 2d  
27 1155, 1157 (S.D. Cal. 2004) (Benitez, J.).

28 In this case, the deadline for filing objections was August 3, 2016. However,


1 no objections have been filed, and neither party has requested additional time to do  
2 so. Consequently, the Court may adopt the R&R on that basis alone. *See Reyna-*  
3 *Tapia*, 328 F.3d at 1121. Nonetheless, having conducted a *de novo* review of the  
4 briefing related to Defendants’ motion to dismiss for lack of prosecution and the  
5 magistrate judge’s R&R, the Court concludes that Judge Crawford’s reasoning and  
6 conclusions are sound. Therefore, the Court approves and **ADOPTS IN ITS**  
7 **ENTIRETY** the R&R. *See* 28 U.S.C. § 636(b)(1).

8 **II. CONCLUSION & ORDER**

9 Having reviewed the R&R and there being no objections, the Court **ADOPTS**  
10 **IN ITS ENTIRETY** the R&R (ECF No. 70), **GRANTS** Defendants’ motion to  
11 dismiss for lack of prosecution (ECF No. 48), **DENIES** Plaintiff’s motion to re-open  
12 discovery (ECF No. 50), and **TERMINATES AS MOOT** Plaintiff’s motion for  
13 sanctions (ECF No. 55).

14 **IT IS SO ORDERED.**

15  
16 **DATED: August 31, 2016**

  
**Hon. Cynthia Bashant**  
**United States District Judge**