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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

STEVE CRUMP,  
Plaintiff,  
vs.  
CAPTAIN S. SANCHEZ; DR.  
WILLIAMS; OFFICER R. DAVIS;  
and, A. NANQUIL,  
Defendant.

Case No.: 14cv1296-CAB (BLM)  
**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

[Doc. No. 64]

Plaintiff Steve Crump is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights case brought under 42 U.S.C. § 1983. On June 4, 2014, Plaintiff filed a First Amended Complaint. [Doc. No. 10.] On August 11, 2014, Plaintiff filed a motion to proceed “as to the retaliation claims only” as described in his FAC. [Doc. No. 21.] On August 25, 2014, this Court granted Plaintiff’s

1 motion to proceed on the retaliation claims and dismissed all other claims  
2 contained in the FAC. [Doc. No. 24.]

3 On December 19, 2014, Defendants filed a Motion for Summary Judgment  
4 for Failure to Exhaust Administrative Remedies (“MSJ”). [Doc. No. 30.] Plaintiff  
5 filed oppositions on December 24, 2014, January 6, 2015, and January 22, 2015.  
6 [Doc. Nos. 32, 34 & 37.] On February 4, 2015, Plaintiff also filed documents to  
7 support his position that he had exhausted his administrative remedies. [Doc. No.  
8 44.] In addition, Plaintiff filed a motion for leave to file an amended complaint on  
9 January 21, 2015. [Doc. No. 36.] Defendants file a reply on February 11, 2015.  
10 [Doc. No. 45.] On April 2, 2015, Magistrate Judge Major prepared a Report and  
11 Recommendation (“R&R”) recommending that the Motion for Summary Judgment  
12 be granted; and that Plaintiff’s motion for leave to file an amended complaint be  
13 denied. To date, no objections have been filed, nor have there been any requests  
14 for an extension of time in which to file objections.

15 A district judge’s duties concerning a magistrate judge’s R&R and a  
16 respondent’s objections thereto are set forth in Rule 72(b) of the Federal Rules of  
17 Civil Procedure and 28 U.S.C. § 636(b)(1). When no objections are filed, the  
18 district judge is not required to review the magistrate judge’s R&R. The Court  
19 reviews de novo those portions of the R&R to which objections are made. 28  
20 U.S.C. § 636(b)(1). The Court may “accept, reject, or modify, in whole or in part,

1 the findings or recommendations made by the magistrate judge.” *Id.* However,  
2 “[t]he statute makes it clear that the district judge must review the magistrate  
3 judge’s findings and recommendations de novo *if objection is made*, but not  
4 otherwise.” *United States v. Reyna-Tapia*, 1121 (9th Cir. 2003) (en banc)  
5 (emphasis in original). “Neither the Constitution nor the statute requires a district  
6 judge to review, de novo, findings and recommendations that the parties  
7 themselves accept as correct.” *Id.* In the absence of timely objection, the Court  
8 “need only satisfy itself that there is no clear error on the face of the record in order  
9 to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s note  
10 (citing *Campbel v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

11 Here, neither party has timely filed objections to the R&R. Having reviewed  
12 the R&R, the Court finds that it is thorough, well-reasoned, and contains no clear  
13 error. Accordingly, the Court hereby (1) **ADOPTS** Magistrate Judge Major’s  
14 Report and Recommendation [Doc. No. 64]; (2) **GRANTS** Defendants’ Motion for  
15 Summary Judgment pursuant to Fed. R. Civ. P. 56 [Doc. No. 30]; and (3) **DENIES**  
16 Plaintiff’s motion to amend the petition [Doc. No. 36].

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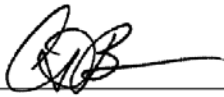
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1           The Clerk of the Court shall entered judgment in favor of Defendants and  
2 close the case.

3           **IT IS SO ORDERED.**

4 Dated: June 1, 2015

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7 Hon. Cathy Ann Bencivengo  
8 United States District Judge  
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