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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ANH VAN THAI, *et al.*,

12 Plaintiffs,

13 vs.

14 UNITED STATES OF AMERICA,
15 CAROLYN W. COLVIN,
16 Commissioner of Social Security,
Social Security Administration; SSA
AGENT NICK; SSA-AGENT 2,

Defendants.

CASE NO. 15cv0583-WQH-
NLS

ORDER

17 HAYES, Judge:

18 The matter before the Court is the review of the Report and Recommendation
19 (ECF No. 76) issued by United States Magistrate Judge Nita Stormes.

20 **I. Background**

21 On March 14, 2015, Plaintiffs initiated this action by filing a lawsuit in this
22 Court. (ECF No. 1). On May 12, 2015, Plaintiffs filed a first amended complaint.
23 (ECF No. 15). On December 27, 2015, Plaintiffs filed a second amended complaint.
24 (ECF No. 63). On January 29, 2016, Defendants filed a motion to dismiss the second
25 amended complaint, which remains pending.

26 On March 7, 2016, Plaintiffs filed an ex parte motion to expedite discovery to
27 allow early and immediate discovery of the real names and locations of the currently
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1 unknown defendants. (ECF No. 73). On March 14, 2016 Defendants filed an
2 opposition opposing the request for expedited discovery but not opposing the
3 alternative request for extension of the service date. (ECF No. 75). On March 15,
4 2016, Magistrate Judge Nita Stormes issued the Report and Recommendation. (ECF
5 No. 76). The Magistrate Judge recommends that the Court deny without prejudice
6 Plaintiffs' ex parte motion for expedite discovery; not dismiss any of the Defendants
7 for failure to be served within the applicable service period; and extend the time to
8 serve any operative complaint to 60 days form the date an order on the motion to
9 dismiss issues. The docket reflects that no objections have been filed.

10 **II. Discussion**

11 The duties of the district court in connection with a report and recommendation
12 of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28
13 U.S.C. § 636(b). The district judge must “make a de novo determination of those
14 portions of the report . . . to which objection is made,” and “may accept, reject, or
15 modify, in whole or in part, the findings or recommendations made by the magistrate.”
16 28 U.S.C. § 636(b). The district court need not review de novo those portions of a
17 Report and Recommendation to which neither party objects. *See Wang v. Masaitis*, 416
18 F.3d 992, 1000 n.13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
19 (9th Cir. 2003) (en banc) (“Neither the Constitution nor the [Federal Magistrates Act]
20 requires a district judge to review, de novo, findings and recommendations that the
21 parties themselves accept as correct.”).


22 Plaintiff does not object the Report and Recommendation. The Court has
23 reviewed the Report and Recommendation, the record, and the submissions of the
24 parties. The Court concludes that the Magistrate Judge correctly recommended that
25 Plaintiff's ex parte motion for expedited discovery be denied. The Report and
26 Recommendation is adopted in its entirety.

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1 **III. Conclusion**

2 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 76)
3 is adopted in its entirety. The Court denies without prejudice Plaintiffs' ex parte motion
4 for expedited discovery. The Court does not dismiss any of the Defendants for failure
5 to be served within the applicable service period. The Court extends the time to serve
6 the operative complaint to sixty (60) days from the date an order on the motion to
7 dismiss (ECF No. 69) issues.

8 DATED: April 18, 2016

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10 **WILLIAM Q. HAYES**
11 United States District Judge
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