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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 NORMAN PAUL FELTS,
12 Plaintiff,
13 v.
14 BONNIE LYNN MYERS, HSI Special
15 Agent; UNITED STATES ATTORNEY'S
16 OFFICE FOR THE SOUTHERN
17 DISTRICT OF CALIFORNIA; DOES 1
18 THROUGH 10, in their Individual
19 Capacities,
20 Defendants.

Case No.: 15-cv-1272-AJB-NLS

ORDER:

**(1) ADOPTING REPORT AND
RECOMMENDATION, (Doc. No. 39);**

**(2) DENYING WITHOUT
PREJUDICE DEFENDANTS'
MOTION TO DISMISS, (Doc. No. 31);
AND**

**(3) GRANTING PLAINTIFF'S
MOTION TO STAY PROCEEDINGS
(Doc. No. 36)**

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22 Presently before the Court is Defendant Bonnie Lynn Myers's ("Defendant") motion
23 to dismiss Plaintiff Norman Felts's ("Plaintiff") complaint, (Doc. No. 31), and Plaintiff's
24 motion to put the case in abeyance or alternatively grant an extension of time, (Doc. No.
25 36). The Court referred the matters to Magistrate Judge Nita L. Stormes, who issued a
26 report and recommendation ("R&R") recommending the Court deny Defendant's motion
27 to dismiss without prejudice and grant Plaintiff's motion to stay. (Doc. No. 39.)


28 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district

1 judge's duties in connection with a magistrate judge's report and recommendation. The
2 district judge must "make a de novo determination of those portions of the report . . . to
3 which objection is made," and "may accept, reject, or modify, in whole or in part, the
4 findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C);
5 *see also United States v. Remsing*, 874 F.2d 614, 617–18 (9th Cir. 1989). However, in the
6 absence of timely objections, the Court "need only satisfy itself that there is no clear error
7 on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b)
8 advisory committee's note (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,
9 1121 (9th Cir. 2003).

10 Neither party timely filed objections to Magistrate Judge Stormes's R&R. Having
11 reviewed the R&R, the Court finds Magistrate Judge Stormes's R&R is thorough, well-
12 reasoned, and contains no clear error. Accordingly, the Court hereby (1) **ADOPTS**
13 Magistrate Judge Stormes's R&R, (Doc. No. 39), (2) **DENIES WITHOUT PREJUDICE**
14 Defendant's motion to dismiss, (Doc. No. 31), and (3) **GRANTS** Plaintiff's motion to stay
15 proceedings until his pending criminal case has been resolved, (Doc. No. 36). Defendant
16 is **ORDERED** to file a status report with the Court within fourteen days of the conclusion
17 of the criminal case proceedings.

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19 **IT IS SO ORDERED.**

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21 Dated: January 11, 2017


22 Hon. Anthony J. Battaglia
23 United States District Judge
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