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FILED
FEB 01 2018
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *SEM* DEPUTY

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

CLYDE REGINALD ELLIS,

Plaintiff,

v.

OFFICER BRADY, SAN DIEGO
SHERIFF'S OFFICE DOES 1-7,

Defendants.

CASE NO. 16CV1419-WQH-NLS

ORDER

HAYES, Judge:

The matter before the Court is the review of the Report and Recommendation issued by United States Magistrate Judge recommending that the motion for summary judgment filed by the Officer Brady (ECF No. 19) be granted. (ECF No. 36).

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

1 Act] requires a district judge to review, de novo, findings and recommendations that
2 the parties themselves accept as correct.”). No party has filed an objection to the
3 Report and Recommendation.

4 The Court has reviewed the Report and Recommendation, the record, and the
5 submissions of the parties. The Court finds that the Magistrate Judge correctly
6 recommended that the Court strike Plaintiff’s declaration, grant the motion for
7 summary judgment filed by Defendant Officer Brady, and dismiss the Doe Defendants.
8 The Court declines to exercise supplemental jurisdiction over the state law claims as
9 recommended by the Magistrate Judge.

10 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 36)
11 is adopted in its entirety. IT IS FURTHER ORDERED that the motion for summary
12 judgment filed by the Officer Brady (ECF No. 19) is granted and the claims against
13 Doe Defendants are dismissed. The Court declines to exercise supplemental
14 jurisdiction over the state law claims. The Clerk is ordered to enter judgment in favor
15 of Defendants and against Plaintiff and to close the case.

16 Dated: 2/1/18

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23 WILLIAM Q. HAYES
24 United States District Judge
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