UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KYLE ROBERT JAMES,

Plaintiff,

v.

DEPUTY EMMENS, et al.,

Defendants.

Case No. 16cv2823-WQH-NLS

ORDER

HAYES, Judge:

The matter before the Court is the review of the Report and Recommendation issued by United States Magistrate Judge Nita L. Stormes (ECF No. 142) recommending that Defendants' Motion for Summary Judgment (ECF No. 101) be granted and Plaintiff's Cross Motion for Summary Judgment (ECF No. 116) be denied.

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 Act] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.").

No party has filed an objection to the Report and Recommendation. The Court has reviewed the Report and Recommendation, the record, and the submissions of the parties.

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 142) is adopted in its entirety. IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (ECF No. 101) is Granted. Plaintiff's Cross Motion for Summary Judgment (ECF No. 116) is denied. This case is dismissed. The Clerk is ordered to enter judgment in favor of Defendants and against Plaintiff and to close the case.

DATED: January 29, 2019

WILLIAM Q. HAYES
United States District Judge