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

DAVID B. TURNER,

Plaintiff,

v.

COUNTY OF SAN DIEGO,

Defendant.

CASE NO. 17-cv-0285-WQH-MDD

ORDER

HAYES, Judge:

The matter before the Court is the review of the Report and Recommendation issued by United States Magistrate Judge Mitchell D. Dembin (ECF No. 9).

I. Background

On February 13, 2017, Plaintiff David B. Turner, proceeding pro se, filed the Complaint against the County of San Diego (the “County”). (ECF No. 1). On April 3, 2017, the County filed a Motion to Dismiss the Complaint. (ECF No. 4). On April 26, 2017, Turner filed a Response in Opposition to the Motion to Dismiss. (ECF No. 7). On May 3, 2017, the County filed a Reply to Turner’s Response. (ECF No. 8). On July 7, 2017, United State Magistrate Judge Mitchell D. Dembin issued the Report and Recommendation, recommending that the Motion to Dismiss be granted. (ECF No. 9). The docket reflects that no objections have been filed to the Report and Recommendation.

1 **II. Discussion**

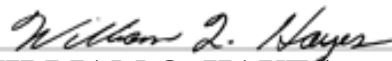
2 The duties of the district court in connection with a report and recommendation
3 of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28
4 U.S.C. § 636(b). The district judge must “make a de novo determination of those
5 portions of the report . . . to which objection is made,” and “may accept, reject, or
6 modify, in whole or in part, the findings or recommendations made by the magistrate.”
7 28 U.S.C. § 636(b). The district court need not review de novo those portions of a
8 Report and Recommendation to which neither party objects. *See Wang v. Masaitis*, 416
9 F.3d 992, 1000 n.13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
10 (9th Cir. 2003) (en banc) (“Neither the Constitution nor the [Federal Magistrates Act]
11 requires a district judge to review, de novo, findings and recommendations that the
12 parties themselves accept as correct.”).

13 The Court has reviewed the Report and Recommendation, the record, and the
14 submissions of the parties. The Court finds that the Magistrate Judge correctly
15 recommended that the Motion to Dismiss be granted. The Report and Recommendation
16 is adopted in its entirety.

17 **III. Conclusion**

18 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 9)
19 is ADOPTED in its entirety. The County’s Motion to Dismiss (ECF No. 4) is
20 GRANTED. The Complaint is DISMISSED without prejudice.

21 DATED: October 12, 2017

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23 **WILLIAM Q. HAYES**
24 United States District Judge
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