

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JANICE M. KYLE,

2:07-CV-1574 JCM (GWF)

Plaintiff,

Date: N/A  
Time: N/A

V.

CIRCUS CIRCUS CASINOS, INC., et al.,

## Defendants.

## ORDER

Presently before the court are plaintiff's objections to Magistrate Judge George Foley's findings and recommendations. (Doc. #73.) In the order and report and recommendation, Judge Foley granted defendants' motion to quash service of process due to insufficiency of service. He then recommended that this court grant defendants' motion to dismiss for failure to effect service on individual defendants. (Doc. #71.)

21 Plaintiff, acting pro se, filed a response, in which she asks this court to deny the  
22 recommendation for dismissal and to stay the proceedings “until legal appointment be granted.” She  
23 does not address Judge Foley’s finding that service of process was insufficient in this case.  
24 Defendants urge this court to affirm Judge Foley’s report and recommendation, noting that Judge  
25 Foley has twice denied plaintiff’s request for appointment of counsel, and that the Ninth Circuit  
26 Court of Appeals has dismissed plaintiff’s appeal from the most recent order denying counsel. (Doc.  
27 #74.)

1        Local Rule IB 3-2 states that any party wishing to object to the findings and  
2 recommendations of a magistrate judge shall, within ten (10) days from the date of service of the  
3 findings and recommendations, file and serve specific written objections together with points and  
4 authorities in support thereof. This court then conducts a *de novo* determination of those portions  
5 of the specified findings or recommendations to which objections have been made. Here, plaintiff  
6 has stated no objections to Judge Foley's recommendation other than to protest the dismissal of this  
7 action.

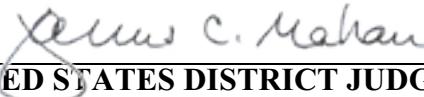
8        Nevertheless, this court has reviewed the record, and it finds that Judge Foley correctly  
9 determined that the individual defendants in this case were not properly served.

10        Accordingly,

11        IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Magistrate Judge Foley's  
12 report and recommendations (doc. #71) are **AFFIRMED** in their entirety.

13        IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants' motion to  
14 dismiss (doc. #56) be, and the same hereby is, **GRANTED**. Defendants Melissa Witcher Garcia,  
15 Terry Kisling, Cathy Moses, Gert Pina, and Robert Von Allmen are dismissed without prejudice.

16        DATED this 2<sup>nd</sup> day of April, 2009.

17          
18        **UNITED STATES DISTRICT JUDGE**

19  
20  
21  
22  
23  
24  
25  
26  
27  
28