

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 DWAYNE R. QUINEY, ) Case No.: 2:11-cv-150-GMN-PAL  
4 )  
5 Plaintiff, ) **ORDER ACCEPTING REPORT**  
6 vs. ) **OF FINDINGS**  
7 ) **AND RECOMMENDATION**  
8 LVMPD OFFICER KUAM, et al., )  
9 Defendants. )

10 Before the Court is Plaintiff Dwayne R. Quiney’s Amended Complaint (ECF No.  
11 7), filed on March 12, 2011. On April 6, 2011, the Honorable Peggy A. Leen, United  
12 States Magistrate Judge, entered a Report of Findings and Recommendation (ECF No.  
13 10) recommending that Plaintiff’s Complaint be dismissed in part. Plaintiff did not file  
14 an Objection to Judge Leen’s Report of Findings and Recommendation.<sup>1</sup>

15 The Court has conducted a *de novo* review of the record in this case in accordance  
16 with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-9 and determines that Magistrate Judge  
17 Leen’s Report of Findings and Recommendation should be ACCEPTED.

18 **IT IS THEREFORE ORDERED** that Magistrate Judge Leen’s Report of  
19 Findings and Recommendation (ECF No. 10) is **ACCEPTED** and Plaintiff’s official  
20 capacity claims are **DISMISSED**.

21 Plaintiff’s Amended Complaint states a valid claim for a Fourth Amendment

22 ///

23 ///

24 \_\_\_\_\_  
25 <sup>1</sup> Plaintiff filed what appears to be a Response to the Answer on April 25, 2011 (ECF No. 15). The Court is unclear as to whether this is an Objection to the Report of Findings and Recommendation or a Response. Either way, the Court will not consider it as an objection as it was filed untimely.

1 violation and such claims are allowed to go forward.

2 DATED this 3rd day of May, 2011.

3  
4 

5 \_\_\_\_\_  
6 Gloria M. Navarro  
7 United States District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25