

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RASHEDA S. BAILEY,

Plaintiff,

v.

DESERT AUTO TRADER, LLC,,

Defendants.

Case No. 2:12-cv-02096-APG-NJK

**ORDER ACCEPTING MAGISTRATE
JUDGE’S REPORT AND
RECOMMENDATION ON MOTION TO
DISMISS**

(Dkt. #15)

On January 18, 2014, Defendant moved to dismiss this case alleging that Plaintiff failed to timely serve the complaint pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. [Dkt. #13.] On February 27, 2014, Magistrate Judge Koppe entered her Report and Recommendation [Dkt. #15] recommending that the motion be denied. Pursuant to Local Rule IB 3-2, any objection to Judge Koppe’s Report and Recommendation was to be filed within fourteen (14) days thereafter. No objection has been filed.

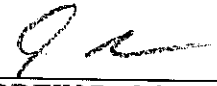
The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit likewise has held that the (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court’s order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The court has reviewed Judge Koppe's Report and Recommendation and related papers, and has determined that Judge Koppe's analysis is correct. Good cause appearing,

IT IS HEREBY ORDERED that Judge Koppe's Report and Recommendation is accepted and approved. Plaintiff's Motion to Dismiss [Dkt. #13] is hereby denied.

Dated: March 20, 2014.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE