

1

2

3

4

5

6

UNITED STATES DISTRICT COURT

7

DISTRICT OF NEVADA

8

* * *

9

10 CRYSTAL L. COX,

Case No. 2:13-cv-00297-MMD-VCF

11

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

12

13 MARC J. RANDAZZA, et al.,

13

Defendants.

14

15

Before the Court is the Report and Recommendation of United States Magistrate Judge Cam Ferenbach (“R&R”) (dkt. no. 30) recommending Plaintiff Crystal Cox’s Complaint be dismissed with prejudice, and Plaintiff’s Motion to Proceed *in forma pauperis* (dkt. no. 28) and Plaintiff’s Motion for Appointment of Counsel (dkt. no. 29) be denied as moot. Plaintiff did not file an objection to the R&R.

20

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v.*

28


1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
5 district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt the R&R. The Court entered an order on November 27,
12 2013, dismissing the claims in the Complaint and permitting Plaintiff to file an amended
13 complaint within thirty-three (33) days. (Dkt. no. 27.) The Court informed Plaintiff that
14 "the case may be dismissed with prejudice" if no amended complaint is filed. (*Id.*) Plaintiff
15 took no further action until April 14, 2014, when she filed her Motion to Proceed *in forma*
16 *pauperis* (dkt. no. 28) and her Motion for Appointment of Counsel (dkt. no. 29). These
17 filings do not address why Plaintiff has not filed an amended complaint and they do not
18 seek an extension of time. It has now been over five (5) months and Plaintiff has not filed
19 an amended complaint.

20 Upon reviewing the R&R and the record in this case, this Court finds good cause
21 to adopt the Magistrate Judge Ferenbach's R&R in full.

22 It is therefore ordered that the R&R (dkt. no. 30) be accepted and adopted in its
23 entirety. Plaintiff's Complaint is dismissed with prejudice. Plaintiff's Motion to Proceed *in*
24 *forma pauperis* (dkt. no. 28) and Plaintiff's Motion for Appointment of Counsel (dkt. no.
25 29) are denied as moot.

26 DATED THIS 14th day of May 2014.

27 
28 _____
MIRANDA M. DU
UNITED STATES DISTRICT JUDGE