

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALLEN BOYD, et al.,

2:13-CV-331 JCM (PAL)

Plaintiff(s),

V.

CHASE BANK,

Defendant(s).

ORDER

16 Presently before the court is the report and recommendation of Magistrate Judge Leen. (Doc.
17 # 3). No objections have been filed even though the deadline date for filing objections has expired.

18 Plaintiffs Nikci and Allen Boyd filed an application to proceed *in forma pauperis*. (Doc. #
19 1). The magistrate judge denied the application because the application was incomplete, each
20 plaintiff needed to fill out his or her own application, and because one of the plaintiffs indicated they
21 were receiving disability but failed to provide the source or amount of disability. (Doc. # 2). The
22 magistrate judge instructed the plaintiffs to correct their deficiencies. (*Id.*). The magistrate judge
23 now recommends dismissal without prejudice. (Doc. # 3).

24 This court “may accept, reject, or modify, in whole or in part, the findings or
25 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
26 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo
27 determination of those portions of the [report and recommendation] to which objection is made.”

1 28 U.S.C. § 636(b)(1).

2 Where a party fails to object, however, the court is not required to conduct “any review at all
3 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
4 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
5 judge’s report and recommendation where no objections have been filed. *See United States v.*
6 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
7 district court when reviewing a report and recommendation to which no objections were made); *see*
8 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
9 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any
10 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
11 recommendation, then this court may accept the recommendation without review. *See, e.g.*,
12 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation
13 to which no objection was filed).

14 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
15 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
16 and underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in
17 full.

18 Accordingly,

19 IT IS HEREBY, ORDERED, AND DECREED that the report and recommendation of
20 Magistrate Judge Leen (doc. # 3) be, and the same hereby, is ADOPTED in its entirety.

21 IT IS FURTHER ORDERED that the action be dismissed without prejudice. The clerk of
22 the court shall close the case.

23 DATED June 11, 2013.

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UNITED STATES DISTRICT JUDGE
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