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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2:13-CV-2132 JCM (CWH)

DONNA M. CLARK,

Plaintiff(s),

v.

TRAVELERS INSURANCE, et al.,

Defendant(s).

ORDER

Presently before the court is Magistrate Judge Hoffman’s report and recommendation. (Doc. # 2). Judge Hoffman recommends that plaintiff Donna Clark’s application for leave to proceed *in forma pauperis* (doc. # 1) be denied. Plaintiff has not filed objections to the report, and the deadline to do so has passed.

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.*

James C. Mahan
U.S. District Judge

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

9 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
10 whether to adopt the recommendation of the magistrate judge. Based on the application completed
11 by plaintiff, it appears she takes home approximately \$1,000 gross in wages and approximately
12 \$1,000 in unemployment benefits per month. Plaintiff also indicated she does not have any
13 dependants. Based on her application, it appears plaintiff’s income significantly exceeds her
14 expenses. The magistrate appropriately concluded plaintiff does not meet the indigency requirement
15 of 28 U.S.C. § 1915(a)(1).

16 Upon reviewing the recommendation and underlying briefs, this court finds good cause
17 appears to ADOPT the magistrate’s findings in full. Plaintiff’s motion for leave to proceed *in forma*
18 *pauperis* is denied.

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Hoffman’s report
21 and recommendation (doc. # 2) be, and the same hereby is, ADOPTED in its entirety.

22 IT IS FURTHER ORDERED that plaintiff’s motion for leave to proceed *in forma pauperis*
23 (doc. # 1) be, and the same hereby is, DENIED.

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1 IT IS FURTHER ORDERED that plaintiff is required to pay the \$400.00 filing fee within
2 thirty (30) days of the issuance of this order.

3 DATED February 28, 2014.

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UNITED STATES DISTRICT JUDGE