

1 statutory command to make the required ‘determination’”).

2 Magistrate Judge Ferenbach identified four fatal flaws in the complaint: (1) “federal district
3 courts cannot exercise appellate jurisdiction over state court actions”; (2) perjury is not a private
4 cause of action; (3) the court lacks subject-matter jurisdiction because the parties are not diverse; and
5 (4) the amount-in-controversy requirement of 28 U.S.C. § 1332(a) is not met. (Doc. # 2 at 2-3).

6 Plaintiff’s objection addresses only the final two flaws. (Doc. # 3). First, plaintiff asserts
7 that the underlying controversy is between residents of Nevada and California. *Id.* Next, the
8 plaintiff proffers a list of alleged monetary damages that, when aggregated, exceeds \$75,000. *Id.*

9 Even assuming *arguendo* that plaintiff’s objections have merit, plaintiff fails to object to the
10 first and second bases for dismissal in the magistrate’s report. Therefore, the court will adopt the
11 findings in the report and recommendation to which plaintiff did not object. *See* D. Nev. R. IB 3-2.
12 As a lack of a cause of action is a defect unremediable by an amended complaint, the present
13 complaint will be dismissed with prejudice.

14 Thus, upon reviewing the recommendation and underlying briefs, this court finds good cause
15 appears to ADOPT the magistrate judge’s findings in part, pursuant to the foregoing.

16 Accordingly,

17 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
18 recommendation of Magistrate Judge Ferenbach (doc. # 2) are ADOPTED in part.

19 IT IS FURTHER ORDERED that plaintiff Judith Scrase’s complaint (docs. # 1-1, 1-2, 1-3)
20 is DISMISSED with prejudice.

21 DATED July 23, 2014.

22
23 
24 **UNITED STATES DISTRICT JUDGE**