

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTOINETTE BANKS,

Plaintiff,

v.

DIRECT LOANS SERVICING CENTER, *et al*,

Defendants.

Case No.: 2:14-cv-00563-RFB-GWF

**ORDER ACCEPTING REPORT &
RECOMMENDATION OF MAGISTRATE
JUDGE GEORGE W. FOLEY, JR.**

Before the Court for consideration is the Report and Recommendation (ECF No. 3) of the Honorable George W. Foley, Jr., United States Magistrate Judge, entered June 16, 2014.

A district 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). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct

“any review,” *de novo* or otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140, 149 (1985).

Pursuant to Local Rule IB 3-2(a), objections were due by July 3, 2014. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge’s recommendation(s) that Plaintiff’s request to proceed in forma pauperis (ECF No.1) is **granted**. Plaintiff shall not be required to pre-pay the full filing fee of four hundred dollars (\$400.00); that Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This Order granting leave to proceed in forma pauperis shall not extend to the issuance of subpoenas at government expense; that the Clerk of the Court shall file Plaintiff’s Complaint (ECF No. 1-1) and that Plaintiff’s Complaint be dismissed with prejudice due to the principle of res judicata. Therefore, the Court has determined that Magistrate Judge’s Recommendation should be **ACCEPTED** and **ADOPTED** to the extent that it is not inconsistent with this opinion.

IT IS THEREFORE ORDERED that the Report and Recommendation (ECF No.1) is **ACCEPTED** and **ADOPTED** in full.

IT IS HEREBY ORDERED that Plaintiff’s request to proceed in forma pauperis (ECF No.1) is **granted**. Plaintiff shall not be required to pre-pay the full filing fee of four hundred dollars (\$400.00).

IT IS FURTHER ORDERED that Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This Order granting leave to proceed in forma pauperis shall not extend to the issuance of subpoenas at government expense.

IT IS FURTHER ORDERED that the Clerk of the Court shall file Plaintiff’s Complaint (ECF No. 1-1).

IT IS HEREBY ORDERED that Plaintiff's Complaint be dismissed with prejudice due to the principle of res judicata.

The Clerk shall enter judgment accordingly and close case.

DATED this 21st day of November, 2014.

A stylized, handwritten signature in black ink, consisting of a large, looped 'R' and 'B' intertwined.

RICHARD F. BOULWARE, II.
United States District Court Judge