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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

David Bird,

Plaintiff

v.

Nevada Highway Patrol, et al.,

Defendants

2:14-cv-02114-JAD-CWH

**Order Adopting Report and
Recommendation**

[ECF No. 2]

10 On January 23, 2017, the magistrate judge granted David Bird's application to proceed *in*
11 *forma pauperis* and recommended that I dismiss with prejudice all claims against Bird's public
12 defender because amendment would be futile, and dismiss without prejudice and with leave to
13 amend Bird's remaining claims.¹ "[N]o review is required of a magistrate judge's report and
14 recommendation unless objections are filed."² Objections to the magistrate judge's report and
15 recommendation were due by February 6, 2017, and Bird has not filed an objection or requested an
16 extension to do so.

17 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the magistrate
18 judge's report and recommendation [ECF No. 2] is **ADOPTED**:

- 19 (1) Bird's claims against defendant Shari Kaufman are **DISMISSED** with prejudice and
20 without leave to amend;
- 21 (2) Bird's claims against defendants Nevada Highway Patrol and Troopers May, White,
22 Pedraza, Lecko, and Mendoza are **DISMISSED** without prejudice and with leave to amend;
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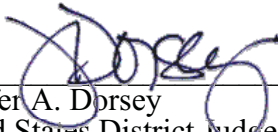
¹ ECF No. 2.

² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

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IT IS FURTHER ORDERED that Bird has until **February 23, 2017**, to file an amended complaint. **If Bird does not file an amended complaint by this deadline, this action will be dismissed without prejudice and closed without further notice.**

Dated this 9th day of February, 2017.



Jennifer A. Dorsey
United States District Judge