UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

DERRICK SIMPSON,

Plaintiff,

v.

F. AGATONE, *et al.*,

Defendants.

Case No. 2:15-cv-00254-RFB-CWH

ORDER

Before the Court for consideration is the Report and Recommendation (ECF No. 16) of the Honorable Carl W. Hoffman, United States Magistrate Judge, entered September 5, 2018.

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 September 19, 2018. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge's recommendations.

IT IS THEREFORE ORDERED that the Report and Recommendation (ECF No. 16) is ACCEPTED and ADOPTED in full.

IT IS FURTHER ORDERED that:

- the portion of claim one alleging an excessive force claim will proceed against Officer Spurling;
- the portion of claim one alleging a false arrest claim will proceed against Officer Spurling and Officer Carter;
- Simpson's Fifth Amendment claim (claim two) against Officers Carter, Spurling, Hatchett, Thomas, Agatone, Maldonado, and Clark County are dismissed, with leave to amend;
- Simpson's Thirteenth Amendment claim (claim three) against Clark County and the Las Vegas Metropolitan Police Department are dismissed, without leave to amend;
- Simpson's Sixth Amendment claim (claim four) against Clark County is dismissed, with leave to amend;
- Simpson's Eighth Amendment claim (claim five) is dismissed, without leave to amend;
- Simpson's Fourteenth Amendment claim (claim six) against Spurling, Carter, Maldonado, Hatchett, Agatone, Thomas, the LVMPD, and Clark County is dismissed, with leave to amend; and
- this case is dismissed as to Naphcare for failure to state a claim, with leave to amend.

The Clerk of Court is directed to serve a copy of this Order upon Plaintiff.

DATED this 16th day of October, 2018.

RICHARD F. BOULWARE, II
UNITED STATES DISTRCIT JUDGE