

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ERIC CHRISTIAN,)
4)
5 Plaintiff,)
6 vs.)
7 PETER LEAVITT, et al.,)
8 Defendants.)
9)

Case No.: 2:15-cv-00303-GMN-GWF

ORDER

10 Pending before the Court is the Report and Recommendation of United States
11 Magistrate Judge George Foley, Jr. (ECF No. 4). Plaintiff Eric Christian (“Plaintiff”) filed an
12 objection. (ECF No. 6). For the reasons discussed herein, the Court adopts in full the Report
13 and Recommendation.

14 **I. LEGAL STANDARD**

15 A party may file specific written objections to the findings and recommendations of a
16 United States Magistrate Judge made pursuant to Local Rule IB 1–4. 28 U.S.C. § 636(b)(1)(B);
17 D. Nev. Local R. IB 3-2. Upon the filing of such objections, the Court must make a de novo
18 determination of those portions of the Report to which objections are made. Id. The Court may
19 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
20 Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. Local R. IB 3-2(b).

21 **II. DISCUSSION**

22 Prior to the instant case, Plaintiff filed a separate action before this court, which alleges
23 the same set of facts. (See Report and Recommendation 1:16–23, ECF No. 4). This separate
24 case was ultimately dismissed with prejudice. See Christian v. United States, No. 2:14–cv–
25 01151–RFB–GWF, 2015 WL 9478232 (D. Nev. Dec. 29, 2015). In the Report and
Recommendation, Judge Foley recommends dismissal of the instant action, stating “[t]here is

1 no need for the Court to open a second case to litigate the same series of facts.” (Report and
2 Recommendation 1:16–23). Specifically, Judge Foley notes that “the instant action appears to
3 be nothing more than the Plaintiff attempting to avoid the Court’s recommendation that his
4 [related case] be dismissed with prejudice.” (Id.).

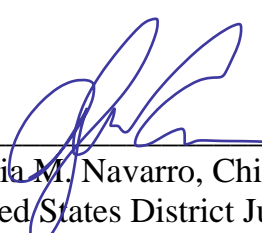
5 In his Objection, Plaintiff argues that the Magistrate Judge “erred by stating that Peter
6 Leavitt [cannot] be sued.” (Objection at 1, ECF No. 6). Plaintiff’s Objection is unresponsive to
7 the actual issues raised in the Report and Recommendation. Notably, Plaintiff does not provide
8 any argument addressing the separate action before this Court. The Court has reviewed the
9 record and finds dismissal with prejudice appropriate.

10 **III. CONCLUSION**

11 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 4), is
12 **ACCEPTED** and **ADOPTED** in full.

13 **IT IS FURTHER ORDERED** that this action is dismissed with prejudice. The Clerk
14 of Court is instructed to close the case.

15 **DATED** this 25 day of October, 2017.

16
17 
18 _____
19 Gloria M. Navarro, Chief Judge
20 United States District Judge
21
22
23
24
25