Helfrich v. Cox et al	

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6	UNITED STATES DISTRICT COURT			
7	DISTRICT OF NEVADA			
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9	PETER JASON HELFRICH,		Case No. 2:15-cv-00384-JCM-PAL	
10	Pla v.	lintiff,	ORDER ACCEPTING AND ADOPTING	
11	JAMES GREG COX et al.,		REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE	
12			PEGGY A. LEEN	
13	Defendant.			
14	Before the court is the report and recommendation of United States Magistrate			

Judge Peggy A. Leen (ECF No. 50) ("R&R" or "recommendation") relating to defendants'
motion to enforce settlement (ECF No. 47). The parties had until November 26, 2016, to
object to the R&R. No objection has been filed.

This court "may accept, reject, or modify, in whole or in part, the findings or 18 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party 19 timely objects to a magistrate judge's report and recommendation, then the court is 20 required to "make a de novo determination of those portions of the [report and 21 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party 22 fails to object, however, the court is not required to conduct "any review at all . . . of any 23 issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 149 (1985). 24 25 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See 26 United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard 27 of review employed by the district court when reviewing a report and recommendation to 28

which no objections were made); see also Schmidt v. Johnstone, 263 F.Supp.2d 1219,
1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
view that district courts are not required to review "any issue that is not the subject of an
objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
the court may accept the recommendation without review. See, e.g., Johnstone, 263
F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation to
which no objection was filed).

Nevertheless, this court finds it appropriate to engage in a *de novo* review to
determine whether to adopt Magistrate Judge Leen's R&R. The magistrate judge
recommended granting defendants' motion to enforce settlement reached. (ECF No. 50
at 7). Upon reviewing the R&R and underlying briefs, this court finds good cause to
adopt the magistrate judge's recommendation in full.

13 It is therefore ordered, adjudged and decreed that the report and recommendation
14 of Magistrate Judge Peggy A. Leen (ECF No. 50) is accepted and adopted in its entirety.
15 It is ordered that the motion to enforce settlement (ECF No. 47) is granted.

16 It is further ordered that defendants shall comply with the deadlines set forth in the
17 report and recommendation (ECF No. 50 at 7) including: (a) within 30 days of this order,
18 defendants shall comply with the terms of the settlement agreement and (b) defendants
19 shall file a certificate of compliance certifying to the court that they have complied with
20 the agreed terms of the agreement memorialized on the record.

21 It is ordered that plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is
22 denied as moot in light of the settlement.

It is ordered that after defendants file a certificate of compliance, the clerk of thecourt is instructed to close this case.

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DATED December 7, 2016.

Xerres C. Mahan

UNITED STATES DISTRICT JUDGE

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