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1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA * * * 6 7 JIMMY GETTINGS, Case No. 2:15-CV-767 JCM (CWH) 8 Plaintiff(s), **ORDER** 9 v. 10 CEBU PACIFIC, et al., 11 Defendant(s). 12

Presently before the court is Magistrate Judge Hoffman's report and recommendation ("R&R"). (ECF No. 4). No objections have been filed, and the deadline for filing objections has now passed.

Plaintiff Jimmy Gettings was ordered to pay a filing fee within thirty (30) days after his application to proceed in forma pauperis was denied. (ECF No. 3). The deadline for paying the filing fee has since passed.

Magistrate Judge Hoffman cautioned plaintiff that failure to comply with the court's order to pay the filing fee would result in a recommendation to dismiss the underlying action. (ECF No. 2). Accordingly, because plaintiff has failed to comply, the magistrate recommends that the case be dismissed without prejudice. (ECF No. 4).

This 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). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

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James C. Mahan

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 149 (1985). 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 United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

Nevertheless, this court finds it appropriate to engage in a de novo review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds that good cause appears to ADOPT the magistrate judge's findings.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Hoffman's report and recommendation (ECF No. 4) be, and the same hereby is, ADOPTED in its entirety.

IT IS FURTHER ORDERED that this case be, and the same hereby is, DISMISSED WITHOUT PREJUDICE.

The clerk shall enter judgment accordingly and close the case.

DATED September 7, 2016.

UNITED STATES DISTRICT JUDGE