

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILSON EARL LOVE,

Case No. 2:15-CV-950 JCM (GWF)

Plaintiff(s),

ORDER

V.

STATE OF NEVADA,

Defendant(s).

Presently before the court is Magistrate Judge Foley's report and recommendation ("R&R"), recommending that the matter of Love v. State of Nevada, case number 2:15-cv-00950-JCM-GWF, be dismissed pursuant to Local Rule 41-1. (ECF No. 10). No objections have been filed, and the deadline for filing objections has since passed.

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).

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).

**James C. Mahan
U.S. District Judge**

1 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
2 whether to adopt the recommendation of the magistrate judge.

3 On June 22, 2015, plaintiff filed a motion for appointment of counsel (ECF No. 7), which
4 the court denied on June 25, 2015 (ECF No. 9). On March 29, 2017, the magistrate judge entered
5 the instant R&R, recommending that this action be dismissed pursuant to Local Rule 41-1. (ECF
6 No. 10). To date, no complaint has been filed. Plaintiff has taken no action since June 22, 2015,
7 and has not filed an objection to the R&R.

8 Local Rule 41-1 provides that “[a]ll civil actions that have been pending in this court for
9 more than 270 days without any proceeding of record having been taken may, after notice, be
10 dismissed for want of prosecution by the court sua sponte or on the motion of an attorney or pro
11 se party.” LR 41-1. Further, it is well established that the district courts have the inherent power
12 to control their dockets. Ready Transp., Inc. v. AAR Mfg., Inc., 627 F.3d 402, 404 (9th Cir. 2010)
13 (quoting Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc., 146 F.3d 1071, 1074 (9th Cir. 1998)).

14 Upon reviewing the recommendation and the record, the court finds that good cause
15 appears to ADOPT the magistrate judge’s findings.

16 Accordingly,

17 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Foley’s
18 R&R (ECF No. 10) be, and the same hereby is, ADOPTED in its entirety.

19 IT IS FURTHER ORDERED that the matter of Love v. State of Nevada, case number 2:15-
20 cv-00950-JCM-GWF, be, and the same hereby is, DISMISSED.

21 The clerk shall close the case.

22 DATED April 17, 2017.

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24 _____
25 UNITED STATES DISTRICT JUDGE