UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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DAVID KLUCKA, Plaintiff(s), v. S.OSTROVSKY, et al., Defendant(s).	Case No. 2:15-CV-1062 JCM (VCF) ORDER

Presently before the court are Magistrate Judge Ferenbach's report and recommendation. (Doc. # 5). Plaintiff Klucka has not filed an objection and the deadline to do so has 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); 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 this 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 the recommendation of the magistrate judge.

Upon reviewing the recommendation and underlying briefs, and in light of plaintiff's failure to object, this court finds good cause appears to ADOPT the magistrate's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge Ferenbach's report and recommendation (doc. # 5) be, and the same here by are, ADOPTED in full.

IT IS FURTHER ORDERED plaintiffs' complaint (doc. # 3-1) be, and the same hereby is, DISMISSED without prejudice.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint within fourteen days of the issuance of this court's order.

IT IS FURTHER ORDERED that, if plaintiff fails to file an amended within fourteen days of the issuance of this court's order, the above captioned case will be DISMISSED with prejudice.

DATED June 25, 2015.

James C. Mahan

UNITED STATES DISTRICT JUDGE