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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LEEANN E. ARCHULETA, *et al.*,

Plaintiffs,

v.

CORRECTIONS CORPORATION OF
AMERICA,

Defendant.

Case No. 2:15-cv-01608-MMD-VCF

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
CAM FERENBACH

Before the Court is the Report and Recommendation of United States Magistrate Judge Cam Ferenbach (ECF No. 78) (“R&R”) regarding Plaintiff Michael B. Dickens’ (“Dickens”) claims in this matter. Dickens had until April 16, 2019, to file an objection. (ECF No. 78.) To date, Dickens has not filed an objection to the R&R. The Court accepts and adopts the R&R in full.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 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.

1 Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that
2 district courts are not required to review “any issue that is not the subject of an objection.”).
3 Thus, if there is no objection to a magistrate judge’s recommendation, then the court may
4 accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226
5 (accepting, without review, a magistrate judge’s recommendation to which no objection
6 was filed).

7 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
8 determine whether to adopt Magistrate Judge Ferenbach’s R&R. Upon reviewing the R&R
9 and underlying documents, this Court finds good cause to accept and adopt the R&R in
10 full.

11 In the R&R, Judge Ferenbach recommends that the Court dismiss Dickens’
12 complaint with prejudice for failure to obey the Court’s order and failure to prosecute this
13 case under Fed. R. Civ. P. 41(b). (ECF No. 78 at 2.) First, Dickens failed to comply with a
14 court order that he either retain counsel or file a notice of appearing in pro se by February
15 25, 2019. (ECF No. 78 at 1; ECF No. 69 at 2; *see generally* docket.) Judge Ferenbach
16 notes that Dickens has also failed to comply with the Court’s order that he appeared at a
17 show cause hearing regarding Defendants’ request that the Court dismiss him from this
18 case with prejudice. (ECF No. 78 at 1; *see also* ECF Nos. 71, 72, 74.) Dickens’ failure to
19 appear occurred after he filed a letter on March 21, 2019, stating that he does not wish to
20 continue prosecuting this case. (ECF No. 73.) Based on this record, the Court accepts and
21 adopts Judge Ferenbach’s recommendation that Dickens’ claims be dismissed. *See, e.g.,*
22 *Thompson v. Hous. Auth. of City of L. A.*, 782 F.2d 829, 831 (9th Cir. 1986) (recognizing
23 that district courts have the inherent power to control their dockets and “[i]n the exercise
24 of that power, they may impose sanctions including, where appropriate . . . dismissal” of a
25 case); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissing case for
26 failure to comply with court order); *Link v. Wabash R. Co.*, 370 U.S. 633 (1962) (affirming
27 district court’s dismissal under Rule 41(b) after plaintiff’s attorney failed to appear at a
28 pretrial conference).

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It is therefore ordered, adjudged and decreed that the Report and Recommendation of Magistrate Judge Cam Ferenbach (ECF No. 78) is accepted and adopted in its entirety.

It is further ordered that Dickens' claims alleged in the complaint (ECF No. 1) are dismissed with prejudice.

DATED THIS 23rd day of April 2019.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE