ORDER

1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA * * * 6 7 ANNETTE WALKER-GOGGINS, Case No. 2:15-CV-1839 JCM (CWH) 8 Plaintiff(s), 9 v. 10 SOCIAL SECURITY ADMINISTRATION. 11 Defendant(s). 12 13 14 15 16 11). 17 18

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (ECF No. 8). Pro se plaintiff Annette Walker-Goggins filed an "appeal/ bound over to Supreme Court" which was docketed as an objection to the report and recommendation. (ECF No.

Magistrate Judge Hoffman recommended that plaintiff be allowed to proceed in forma pauperis but that defendant's complaint be dismissed with prejudice. Magistrate Judge Hoffman found that plaintiff's complaint contains "incoherent, fanciful, and delusional claims and descriptions [that] do not state a claim upon which relief can be granted." (ECF No. 8).

Plaintiff's "objection" does not object to any of the magistrate judge's findings. Plaintiff simply lists "appealed" next to the motions that Magistrate Judge Hoffman recommends denying after concluding that plaintiff's complaint is frivolous. (ECF. No. 11).

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 findings 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).

James C. Mahan U.S. District Judge

19

20

21

22

23

24

25

26

27

28

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, this court finds good cause to ADOPT the magistrate judge's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the report and recommendation of Magistrate Judge Hoffman, (ECF No. 8), are ADOPTED in their entirety.

IT IS FURTHER ORDERED that plaintiff's complaint (ECF No. 1-1) is DISMISSED with prejudice.

UNITED STATES DISTRICT JUDGE

The clerk is instructed to enter judgment accordingly and close the case.

DATED May 17, 2016.

28