

1
2
3
4
5
6
7
8
9
10

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VICTOR TAGLE,

Plaintiff,

v.

DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

Case No. 2:15-cv-002506-APG-VCF

**ORDER ON REPORT AND
RECOMMENDATION**

(DKT. NOS. 2, 4)

11 On January 11, 2016, Magistrate Judge Ferenbach entered a Report and Recommendation
12 that I dismiss plaintiff Victor Tagle's complaint without prejudice and grant him leave to amend.
13 (Dkt. #2.) Mr. Tagle did not file an objection. Thus, I am not obligated to conduct a de novo
14 review of the Report and Recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to
15 "make a de novo determination of those portions of the report or specified proposed findings to
16 which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)
17 (en banc) ("the district judge must review the magistrate judge's findings and recommendations
18 de novo *if objection is made*, but not otherwise" (emphasis in original)).

19 IT IS THEREFORE ORDERED that Judge Ferenbach's Report and Recommendation
20 (**Dkt. #2**) is **accepted** and the complaint is dismissed without prejudice. Plaintiff Victor Tagle
21 shall file an amended complaint—if he can correct the defects pointed out in Judge Ferenbach's
22 Report and Recommendation—within 30 days of entry of this Order. The failure to file an
23 appropriate amended complaint will result in dismissal and closure of this case.

24 IT IS FURTHER ORDERED that plaintiff's motion for speedy trial (**Dkt. #4**) is **DENIED**
25 as moot.

26 DATED this 24th day of February, 2016.



27
28
ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE