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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ANTHONY FEJERAN,

Plaintiff,

v.

UNITED AIRLINES, INC., *et al.*

Defendants.

Case No. 2:16-cv-00026-MMD-GWF

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
GEORGE FOLEY, JR.

Before the Court is the Report and Recommendation of United States Magistrate Judge George Foley, Jr. (ECF No. 77) (“R&R”) regarding the Court’s Order to Show Cause (ECF No. 74) issued on September 26, 2107. Plaintiff was allowed until December 22, 2017, to file an objection. To date, no objection to the R&R has been filed.<sup>1</sup>

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

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<sup>1</sup>The R&R (ECF No. 77) and all mailings since September 20, 2017, that were mailed to Plaintiff have been returned as undeliverable. (See ECF Nos. 72, 75, 76, 78.)

1 magistrate judge's report and recommendation where no objections have been filed. See  
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
3 of review employed by the district court when reviewing a report and recommendation to  
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
6 view that district courts are not required to review "any issue that is not the subject of an  
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
12 determine whether to adopt Magistrate Judge Foley's R&R. The Magistrate Judge  
13 recommends dismissing this case with prejudice for Plaintiff's failure to prosecute or to  
14 comply with a court order. Plaintiff has also failed to file a notice of change of address  
15 with the Court as required under LR IA 3-1. Upon reviewing the R&R and the filings in  
16 this case, this Court finds good cause to adopt the Magistrate Judge's R&R in full.

17 It is therefore ordered, adjudged and decreed that the Report and  
18 Recommendation of Magistrate Judge George Foley, Jr. (ECF No. 77) is accepted and  
19 adopted in its entirety.

20 It is ordered that Plaintiff's complaint (ECF No. 1) is dismissed with prejudice.

21 It is further ordered that the Clerk of Court is instructed to close this case and  
22 enter judgment accordingly.

23 DATED THIS 9<sup>th</sup> day of January 2018.

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27 MIRANDA M. DU  
28 UNITED STATES DISTRICT JUDGE