

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RODNEY ALLEN WOOD,

Plaintiff(s),

v.

TOMMY BLITSCH, et al.,

Defendant(s).

Case No. 2:16-CV-358 JCM (GWF)

ORDER

Presently before the court is Magistrate Judge Foley’s report and recommendation (“R&R”). (ECF No. 3). No objections have been filed, and the deadline for filing objections has since passed.

Magistrate Judge Foley recommends that plaintiff’s claim against defendants based on Title VII of the Civil Rights Act be dismissed with prejudice because Title VII does not prohibit discrimination based on disability. (ECF No. 3 at 3).

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

James C. Mahan
U.S. District Judge

1 employed by the district court when reviewing a report and recommendation to which no
2 objections were made).

3 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
4 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
5 recommendation and underlying briefs, the court finds that good cause appears to ADOPT the
6 magistrate judge's findings.

7 Moreover, Local Rule 41-1 provides that “[a]ll civil actions that have been pending in this
8 court for more than 270 days without any proceeding of record having been taken may, after notice,
9 be dismissed for want of prosecution by the court sua sponte or on the motion of an attorney or
10 pro se party.” LR 41-1. Further, it is well established that the district courts have the inherent
11 power to control their dockets. *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir.
12 2010) (quoting *Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc.*, 146 F.3d 1071, 1074 (9th Cir.
13 1998)). “Indeed, the inherent powers permit a district court to go as far as to dismiss entire actions
14 to rein in abusive conduct.” *Id.* (citing *Atchison, Topeka & Santa Fe Ry.*, 146 F.3d at 1074 as
15 “recognizing inherent power to dismiss an action to sanction abusive conduct such as judge-
16 shopping or failure to prosecute”).

17 On January 10, 2017, plaintiff was notified that “[i]f no action is taken in this case within
18 30 days, the [c]ourt will enter an order of dismissal for want of prosecution” and that the LR 41-1
19 dismissal deadline is set for February 9, 2017. (ECF No. 9). To date, no action has been taken in
20 the instant matter. Therefore, the instant action will be dismissed without prejudice for want of
21 prosecution.

22 Accordingly,

23 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
24 Foley's report and recommendation (ECF No. 3) be, and the same hereby is, ADOPTED in its
25 entirety.

26 IT IS FURTHER ORDERED that plaintiff's Title VII claim be, and the same hereby is,
27 DISMISSED with prejudice.

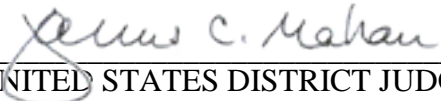
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED
without prejudice.

The clerk shall close the case.

DATED March 23, 2017.


UNITED STATES DISTRICT JUDGE