UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

PAPA HULUWAZU,

Plaintiff,

v.

WILLIAM SNYDER, *et al*,

Defendants.

Case No. 2:16-cv-00369-MMD-PAL

ORDER ACCEPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE PEGGY A. LEEN

Before the Court is the Report and Recommendation of United States Magistrate Judge Peggy A. Leen (ECF No. 5) ("R&R") relating to plaintiff's failure to comply with the court's order giving Plaintiff until April 10, 2017, to file an amended complaint. (ECF No. 2.) Plaintiff was advised that a failure to do so would result in a recommendation to dismiss this action. As of this date, Plaintiff has not complied with the court's order, and Magistrate Judge Leen submitted her R&R on April 14, 2017, recommending dismissal. (ECF No. 5.) Plaintiff had until April 28, 2017, to object to the R&R. (*Id.*) To date, no objection to the R&R has been filed.

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. 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 the 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 Magistrate Judge Leen's R&R. Upon reviewing the R&R and records in this case, this Court finds good cause to adopt the Magistrate Judge's R&R in full.

It is therefore ordered, adjudged and decreed that the Report and Recommendation of Magistrate Judge Peggy A. Leen (ECF No. 5) is accepted and adopted in its entirety.

It is further ordered that Plaintiff's Complaint (ECF No. 3) is dismissed without prejudice.

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

DATED THIS 4th day of May 2017.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE