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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL MCINERNEY,

Plaintiff,

v.

EIGHTH JUDICIAL DISTRICT COURT, *et al.*,

Defendants.

Case No. 2:16-cv-00698-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. 4) (“R&R”) relating to Plaintiff’s Application to Proceed *In Forma Pauperis* and *pro se* complaint. Plaintiff had until March 29, 2017, to file an objection. 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


1 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the
3 view that district courts are not required to review “any issue that is not the subject of an
4 objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then
5 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Foley’s R&R. The Magistrate Judge
10 recommends dismissing Plaintiff’s § 1983 claim against the Eighth Judicial District Court
11 with prejudice. (ECF No. 4.) Upon reviewing the R&R and the records in this case, this
12 Court finds good cause to adopt the Magistrate Judge’s R&R in full.

13 It is therefore ordered, adjudged and decreed that the Report and
14 Recommendation of Magistrate Judge George Foley, Jr. (ECF No. 4) is accepted and
15 adopted in its entirety.

16 It is ordered that Plaintiff’s § 1983 claim against Defendant the Eighth Judicial
17 District Court is dismissed with prejudice.

18 DATED THIS 3rd day of May 2017.

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21 _____
22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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