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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MARIE LYNN BELVAL,

Plaintiff(s),

v.

WALGREEN’S, et al.,

Defendant(s).

Case No. 2:16-CV-893 JCM (GWF)

ORDER

Presently before the court is Magistrate Judge Foley’s report and recommendation. (ECF No. 42). No objections have been filed, and the deadline for filing objections has since passed.

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

Magistrate Judge Foley ordered plaintiff’s amended complaint be dismissed without prejudice with leave to amend, and gave plaintiff until January 5, 2018, to file a second amended

James C. Mahan
U.S. District Judge

1 complaint. (ECF No. 42). “Failure to comply with this order will result in dismissal of the action.”
2 Id. Magistrate Judge Foley further recommended that plaintiff’s claims against defendant Siegel
3 Suites be dismissed with prejudice based on plaintiff’s failure to demonstrate that the court has
4 subject matter jurisdiction over the claims. Id.

5 Plaintiff has not objected to the report and recommendation. Nevertheless, this court finds
6 it appropriate to engage in a de novo review to determine whether to adopt the recommendation of
7 the magistrate judge. Upon reviewing the recommendation and underlying briefs, the court finds
8 that good cause appears to adopt the magistrate judge’s findings.

9 Plaintiff has not filed an amended complaint, and the deadline to do so has since passed.
10 Accordingly, the court will dismiss the case for failure to prosecute.

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
13 Foley’s report and recommendation (ECF No. 42) be, and the same hereby is, ADOPTED in its
14 entirety.


15 IT IS FURTHER ORDERED that plaintiff’s claims against defendant Siegel Suites be, and
16 the same hereby are, DISMISSED WITH PREJUDICE.

17 IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED
18 WITHOUT PREJUDICE.

19 IT IS FURTHER ORDERED that plaintiff’s motion for summary judgment (ECF No. 28)
20 be, and the same hereby is, DENIED as moot.

21 The clerk shall enter judgment accordingly and close the case.

22 DATED January 16, 2018.

23 
24 _____
25 UNITED STATES DISTRICT JUDGE