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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Leo B. Marchetti,  
Plaintiff  
v.  
Nye County School District,  
Defendant

Case No.: 2:16-cv-01792-JAD-CWH

**Order Adopting Report and  
Recommendation and Dismissing  
Action without Prejudice**


[ECF No. 3]

10 Plaintiff Leo B. Marchetti was ordered to file an application to proceed *in forma pauperis* or  
11 pay the filing fee by May 24, 2017; he failed to do so, despite having been warned that the case  
12 would be dismissed if he failed to act.<sup>1</sup> Magistrate Judge Hoffman observed that it appears that Mr.  
13 Marchetti has abandoned this case, and he recommends that this action be dismissed without  
14 prejudice.<sup>2</sup> “[N]o review is required of a magistrate judge’s report and recommendation unless  
15 objections are filed.”<sup>3</sup> The deadline for objections has passed without any filing from plaintiff,  
16 which further suggests that plaintiff has, in fact, abandoned this case. Accordingly, and with good  
17 cause appearing,

18 It is hereby ORDERED that Magistrate Judge Hoffman’s Report and Recommendation [ECF  
19 No. 3] is ACCEPTED and his findings and conclusions are adopted;

20 It is further ORDERED that **this case is DISMISSED** without prejudice to plaintiff’s ability  
21 to file a new action in which he either pays the filing fee or submits a completed *in forma pauperis*  
22 application. The Clerk of Court is instructed to **CLOSE THIS CASE**.

23 DATED June 20, 2017

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U.S. District Judge Jennifer Dorsey

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26 <sup>1</sup> ECF No. 2.

27 <sup>2</sup> ECF No. 3.

28 <sup>3</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).