Jackson v. Grimaldo Doc. 5

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ROBERT JACKSON, Plaintiff, v. DIEGO GRIMALDO, Defendant.	Case No. 2:16-cv-01878-APG-GWF **ORDER ACCEPTING REPORT AND RECOMMENDATION AND DISMISSING CASE** (ECF No. 3)

On October 17, 2017, Magistrate Judge Foley recommended I dismiss with prejudice plaintiff Robert Jackson's claims against the John Doe U.S. Attorney defendant because that defendant would be entitled to prosecutorial immunity. ECF No. 3. Magistrate Judge Foley also recommended I dismiss without prejudice Jackson's claims against defendant Diego Grimaldo because it was unclear from the complaint whether Jackson's claims were barred under *Heck v. Humphrey*, 512 U.S. 477, 480 (1994). *Id.* Jackson filed a response in which he disputed some of the Magistrate Judge's ruling, but Jackson nevertheless requests to voluntarily dismiss his claims without prejudice. ECF No. 4.

I conducted a de novo review. 28 U.S.C. § 636(b)(1). Judge Foley sets forth the proper legal analysis and factual basis for the decision.

IT IS THEREFORE ORDERED that Magistrate Judge Foley's report and recommendation **(ECF No. 3) is accepted**. Plaintiff Robert Jackson's claims against defendant John Doe U.S. Attorney are dismissed with prejudice. Jackson's claims against defendant Diego Grimaldo are dismissed without prejudice. The clerk of court is instructed to close this case.

DATED this 29th day of November, 2017.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

Dockets.Justia.com