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## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

\* \* \*

TIA CAMILLE MCCOY,

Plaintiff,

v.

CAPITAL ONE FINANCIAL  
CORPORATION,

Defendant.

Case No. 2:16-cv-01928-RFB-VCF

**ORDER**

Before the Court for consideration is the Report and Recommendation [ECF No. 8] of the Honorable Cam Ferenbach, United States Magistrate Judge, entered September 13, 2016.

A district 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). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” de novo or otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140, 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due by September 30, 2016. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge’s recommendations.

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**IT IS THEREFORE ORDERED** that the Report and Recommendation [ECF No.8] is ACCEPTED and ADOPTED in full.

**IT IS ORDERED** that McCoy's application to proceed in forma pauperis (ECF No. 7) is GRANTED.

**IT IS FURTHER ORDERED** that the Clerk of the Court filed the complaint. (ECF No. 1).

**IT IS FURTHER ORDERED** that McCoy is permitted to maintain the action to its conclusion without the necessity of prepayment of any additional fees, costs, or security. This order granting in forma pauperis status does not extend to the issuance of subpoenas at government expense.

**IT IS FURTHER ORDERED** that McCoy's complaint (ECF No. 1) be DISMISSED with leave to amend.

**IT IS FURTHER ORDERED** that plaintiff has 30 days from the date of this order is enter to Amended Complaint to avoid dismissal with prejudice.

**IT IS FURTHER ORDERED** the Clerk of the Court is directed NOT to issue summons on the Amended Complaint. The court will issue a screening order on the Amended Complaint and address the issuance of Summons at that time, if applicable. See 28 U.S.C. § 1915(e)(2).

The Clerk of Court is directed to serve a copy of this Order upon Plaintiff.

DATED: January 22, 2017.



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**RICHARD F. BOULWARE, II**  
**United States District Judge**