

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANTHONY BAILEY,	Plaintiff(s),
v.	
STATE OF NEVADA, et al.,	Defendant(s).

Case No. 2:16-CV-2515 JCM (GWF)

ORDER

Presently before the court is Magistrate Judge Foley’s report and recommendation. (ECF No. 5). Plaintiff Anthony Bailey filed an objection. (ECF No. 10). No responses 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).

James C. Mahan
U.S. District Judge

1 Magistrate Judge Foley recommends that the court dismiss plaintiff's causes of action
2 against the state of Nevada, the justices of the Nevada Supreme Court, Judge Valerie Adair, Steven
3 Wolfson, Adam Paul Laxalt, Thomas Groves, Laura Rehfeldt, Bethany Sanchez, and Nancy
4 Katafia, in her official capacity, for failure to state a claim upon which relief can be granted. (ECF
5 No. 5).

6 Plaintiff's objection does not adequately raise and address objectionable issues with
7 Magistrate Judge Foley's R&R. Nevertheless, this court finds it appropriate to engage in a de novo
8 review to determine whether to adopt the recommendation of the magistrate judge. Upon
9 reviewing the recommendation and underlying briefs, the court finds that good cause appears to
10 adopt the magistrate judge's findings.

11 Magistrate Judge Foley granted plaintiff leave to file an amended complaint against
12 defendants Welch and Katafia. (ECF No. 5). On November 17, 2017, plaintiff filed an amended
13 complaint. (ECF No. 11). The amended complaint references defendants other than defendants
14 Welch, and does not reference defendant Katafia. The court will dismiss plaintiff's amended
15 complaint as to all defendants except Welch.

16 Accordingly,

17 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
18 Foley's report and recommendation (ECF No. 5) be, and the same hereby is, ADOPTED in its
19 entirety.

20 IT IS FURTHER ORDERED that plaintiff's causes of action against the state of Nevada,
21 the justices of the Nevada Supreme Court, Judge Valerie Adair, Steven Wolfson, Adam Paul
22 Laxalt, Thomas Groves, Laura Rehfeldt, Bethany Sanchez, and Nancy Katafia, in her official
23 capacity, be, and the same hereby are, DISMISSED with prejudice.

24 DATED April 12, 2018.

25 
26 _____
27 UNITED STATES DISTRICT JUDGE
28