

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TYRONE HURT,

Plaintiff

v.

DONALD TRUMP, JR..

Defendant

Case No. 2:17-cv-00314-MMD-GWF

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
GEORGE FOLEY, JR.

Before the Court is the Report and Recommendation of United States Magistrate Judge George Foley, Jr. (ECF No. 5) ("R&R") relating to Plaintiff's complaint (ECF No. 1-1). Plaintiff was allowed until November 13, 2017, to file an objection. No objection to the R&R has been filed.¹

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 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

¹The R&R (ECF No. 5) and the last order entered by the Court (ECF No. 3) that were mailed to Plaintiff were returned as undeliverable. (ECF Nos. 4, 6.)

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
5 view that district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

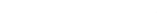
10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Foley's R&R. The Magistrate Judge
12 recommends dismissing this case with prejudice for Plaintiff's failure to file an amended
13 complaint. Plaintiff has also failed to file a notice of change of address with the Court.
14 Upon reviewing the R&R and the filings in this case, this Court finds good cause to adopt
15 the Magistrate Judge's R&R in full.

16 It is therefore ordered, adjudged and decreed that the Report and
17 Recommendation of Magistrate Judge George Foley, Jr. (ECF No. 5) is accepted and
18 adopted in its entirety.

19 It is ordered that Plaintiff's complaint is dismissed with prejudice.

20 It is further ordered that the Clerk of Court is instructed to close this case and
21 enter judgment accordingly.

22 DATED THIS 8th day of January 2018.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE