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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ANTHONY FESTA,

Plaintiff

v.

NDOC, et al.,

Defendants

Case No.: 2:17-cv-00850-APG-NJK

Order

[ECF No. 119, 121]

On November 30, 2021, Magistrate Judge Koppe recommended that plaintiff Anthony Festa's motion for leave to amend be denied in part because amendment would be futile as to all claims against Governor Sandoval, Director of Prisons Dzurenda, and Warden Williams, as well as with respect to the ninth, thirteenth, fourteenth, sixteenth, seventeenth, and eighteenth causes of action. ECF No. 119. That same day, she also recommended that I dismiss defendants Pugh and Jackson without prejudice for lack of service. ECF No. 121.

Festa did not object to either recommendation. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Koppe's report and recommendation (**ECF No. 119**) is accepted. The Fourth Amended Complaint (ECF No. 120) is the operative complaint, but it does not include any claims against Governor Sandoval, Director of Prisons

1 Dzurenda, and Warden Williams. Nor does it include the ninth, thirteenth, fourteenth, sixteenth,
2 seventeenth, and eighteenth causes of action.

3 I FURTHER ORDER that Magistrate Judge Koppe's report and recommendation (**ECF**
4 **No. 121**) is **accepted** and defendants Jackson and Pugh are dismissed without prejudice for lack
5 of service.

6 DATED this 7th day of January, 2021.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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