

1 **UNITED STATES DISTRICT COURT**2 **DISTRICT OF NEVADA**

3 ANTHONY FESTA,

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

4 Plaintiff

Order

5 v.

[ECF No. 119, 121]

6 NDOC, et al.,

7 Defendants

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

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

20 I THEREFORE ORDER that Magistrate Judge Koppe's report and recommendation
21 (**ECF No. 119**) is accepted. The Fourth Amended Complaint (ECF No. 120) is the operative
22 complaint, but it does not include any claims against Governor Sandoval, Director of Prisons
23

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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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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