

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THE PRUDENTIAL INSURANCE COMPANY,

Case No. 2:17-CV-900 JCM (VCF)

ORDER

Plaintiff(s),

V.

FAITH LEE, et al.,

Defendant(s).

This is an interpleader action initiated by plaintiff Prudential Insurance Company of America. (ECF No. 1). Presently before the court is Magistrate Judge Ferenbach's report and recommendation (R&R). (ECF No. 50). The deadline to object to the R&R was August 28, 2017. That deadline has passed by over two weeks and no party has objected.

On August 14, 2017, Magistrate Judge Ferenbach recommended the following:

1. On or before a date set by the district judge, plaintiff should pay into court the One Hundred Twenty-five Thousand Dollars (\$125,000) death benefit due as of 12/2/2016, plus interest accrued under the terms of the policy, less \$6,000 in fees and costs;

2. Upon payment of that sum into court, defendants should be enjoined from instituting or prosecuting any proceeding in any state or United States court affecting the death benefit and/or the Servicemembers' Group Life Insurance Plan, group policy number G-32000 ("SGLI Plan");

3. Upon payment of that sum into court, plaintiff should be discharged from any and all further liability to defendants relating in any way to the SGLI Plan and/or death benefit; and

4. Faith Lee's Motion for Summary Judgment (ECF No. 5) should be denied.

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1 This court “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
3 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo
4 determination of those portions of the [report and recommendation] to which objection is made.”
5 28 U.S.C. § 636(b)(1).

6 Where a party fails to object, however, the court is not required to conduct “any review at
7 all . . . of any issue that is not the subject of an objection.” Thomas v. Arn, 474 U.S. 140, 149
8 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
9 magistrate judge’s report and recommendation where no objections have been filed. See United
10 States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
11 employed by the district court when reviewing a report and recommendation to which no
12 objections were made).

13 Nonetheless, having reviewed the briefing and documents before the court, and finding
14 good cause, and there being no objections to the R&R, this court adopts recommendations 1–3 of
15 the R&R and denies recommendation 4 as moot. (See ECF No. 51) (denying Lee’s motion for
16 summary judgment on other grounds).

17 Accordingly,

18 **IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the R&R (ECF No. 50) is
19 ADOPTED in part and REJECTED in part.**

20 **IT IS FURTHER ORDERED** that on or before October 15, 2017, plaintiff shall pay into
21 court the One Hundred Twenty-five Thousand Dollars (\$125,000) death benefit due as of
22 12/2/2016, plus interest accrued under the terms of the policy, less \$6,000 in fees and costs.

23 **IT IS FURTHER ORDERED** that upon plaintiff’s complete payment of that sum into court,
24 defendants are enjoined from instituting or prosecuting any proceeding in any state or United
25 States court affecting the death benefit and/or the Servicemembers’ Group Life Insurance Plan,
26 group policy number G-32000 (“SGLI Plan”).

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1 IT IS FURTHER ORDERED that upon plaintiff's complete payment of that sum into court,
2 plaintiff should be discharged from any and all further liability to defendants relating in any way
3 to the SGLI Plan and/or death benefit.

4 DATED September 21, 2017.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE