

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

4 Terence E. Ruben,  
5 Plaintiff

6 v.

7 City of Las Vegas, et al.,  
8 Defendants

2:17-cv-01003-JAD-VCF

**Order Adopting Report and  
Recommendation and Dismissing Case  
With Prejudice**

[ECF No. 8]

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10 Pro se plaintiff Terence E. Ruben brings this civil-rights case against the City of Las  
11 Vegas and Texas City, alleging multiple instances in which police officers violated his  
12 constitutional rights.<sup>1</sup> On May 10, 2017, Magistrate Judge Cam Ferenbach screened Ruben’s  
13 original complaint and concluded that all of his claims are time-barred by the applicable statutes  
14 of limitations.<sup>2</sup>

15 Ruben amended his complaint, realleging the time-barred claims, including new claims  
16 that his constitutional rights were violated because he was incarcerated after he turned himself in  
17 for warrants for his arrest, and requesting \$10 million in damages.<sup>3</sup> Judge Ferenbach told Ruben  
18 once again that several of his claims were time-barred and advised him that the new claims did  
19 not contain sufficient factual allegations to determine jurisdiction.<sup>4</sup> Ruben was cautioned that, if  
20 the new claims were for incarcerations in Texas, the District of Nevada would likely not have  
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25 <sup>1</sup> ECF Nos. 1-1, 4, 5.

26 <sup>2</sup> ECF No. 3.

27 <sup>3</sup> ECF No. 5.

28 <sup>4</sup> ECF No. 6 at 2.

1 jurisdiction to enter any judgment against the government of Texas City.<sup>5</sup> So Judge Ferenbach  
2 gave Ruben one more chance to amend his complaint by December 15, 2017, and warned him  
3 that failure to timely file a second-amended complaint would result in his recommendation that  
4 this case be dismissed with prejudice.<sup>6</sup>

5 The deadline to file a second-amended complaint has now passed, and Ruben has failed  
6 to do so. True to his word, Magistrate Judge Ferenbach recommends that I dismiss this case.  
7 The report and recommendation was issued on December 18, 2017, making January 1, 2018, the  
8 deadline to file objections. That deadline, too, has passed, and Ruben has not objected. “[N]o  
9 review is required of a magistrate judge’s report and recommendation unless objections are  
10 filed.”<sup>7</sup> Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Ferenbach’s report and  
11 recommendation [ECF No. 8] is **ACCEPTED and ADOPTED**. This case is **DISMISSED**  
12 **with prejudice**. The **Clerk of Court** is directed to **CLOSE THIS CASE**.

13 DATED: January 4, 2018.

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15 U.S. District Judge Jennifer A. Dorsey  
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24 <sup>5</sup> *Id.* Ruben was also advised to correct his mailing address that is on file with the court because  
25 previous correspondence was returned as undeliverable.

26 <sup>6</sup> *Id.*

27 <sup>7</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474  
28 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).