

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MERCY S. CONSTANTINO, et al.,

Plaintiff(s),

v.

JEANNE M. KENT, et al.,

Defendant(s).

Case No. 2:17-CV-1331 JCM (NJK)

ORDER

Presently before the court is Magistrate Judge Koppe’s report and recommendation (“R&R”). (ECF No. 4). No objections have been filed, and the deadline for filing objections has since passed.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 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 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

1 Magistrate Judge Koppe recommends that plaintiffs Mercy Constantino and Robin  
2 Fernandez's complaint be dismissed without prejudice for failure to comply with a prior court  
3 order in the case.<sup>1</sup> (ECF No. 4).

4 Plaintiffs have not objected to the report and recommendation. Nevertheless, this court  
5 finds it appropriate to engage in a de novo review to determine whether to adopt the  
6 recommendation of the magistrate judge. Upon reviewing the recommendation and underlying  
7 briefs, the court finds that good cause appears to adopt the magistrate judge's findings.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge  
10 Koppe's report and recommendation (ECF No. 4) be, and the same hereby is, ADOPTED in its  
11 entirety.

12 IT IS FURTHER ORDERED that plaintiffs' complaint, and the same hereby is,  
13 DISMISSED without prejudice.

14 The clerk shall enter judgment accordingly and close the case.

15 DATED June 6, 2018.

16   
17 \_\_\_\_\_  
18 UNITED STATES DISTRICT JUDGE

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  

---

<sup>1</sup> On December 21, 2017, Judge Koppe ordered plaintiffs to either pay the filing fee or file separate applications to proceed in forma pauperis. (ECF No. 3). Plaintiffs have not paid the filing fee or submitted any filings to this court since Judge Koppe issued that order.