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## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

\* \* \*

TERRELL DESHON KEMP, SR.,

Plaintiff,

v.

LOMBARDO, *et al.*,

Defendants.

Case No. 2:17-cv-01474-RFB-CWH

**ORDER**

Before the Court for consideration is the Report and Recommendation [ECF No. 15] of the Honorable Carl W. Hoffman, United States Magistrate Judge, entered February 12, 2019.

A district 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). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” de novo or otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140, 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due by February 26, 2019. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge’s recommendations.

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**IT IS THEREFORE ORDERED** that the Report and Recommendation [ECF No. 15] is ACCEPTED and ADOPTED in full.

**IT IS FURTHER ORDERED** that the portion of Claim Three alleging an excessive force under the Fourth Amendment shall proceed against Officer Cordova, Officer Cordero, and the three John Doe officers.

**IT IS FURTHER ORDERED** that the remainder of Claim Three, which alleges excessive force claims under the Eighth and Fourteenth Amendments against Officer Cordova, Officer Cordero, and the three John Doe officers, is DISMISSED, without leave to amend, as amendment would be futile.

**IT IS FURTHER ORDERED** that Claims One, Two, and Four are DISMISSED, with leave to amend.

**IT IS FURTHER ORDERED** that a Second Amended Complaint may be filed by April 26, 2019.

**IT IS FURTHER ORDERED** that if Kemp chooses not to file a Second Amended Complaint by April 26, 2019, this case will proceed only on Kemp's Fourth Amendment excessive-force claim against Officer Cordova, Officer Cordero, and the three John Doe officers.

DATED: March 11, 2019.



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**RICHARD F. BOULWARE, II**  
**United States District Judge**