UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GRACE ALBANESE,

Plaintiff(s),

v.

LAS VEGAS POLICE DEPARTMENT,

Defendant(s).

Case No. 2:17-cv-01972-JAD-NJK

REPORT AND RECOMMENDATION

On July 21, 2017, the Court denied without prejudice Plaintiff's application to proceed *in forma pauperis*, noting on-going proceedings in other cases that could result in Plaintiff being declared a vexatious litigant. Docket No. 3. United States District Judge Jennifer A. Dorsey has since declared Plaintiff vexatious. *See, e.g.*, *Albanese v. The Federal Bureau of Investigation*, Case No. 2:17-cv-01599-JAD-VCF, Docket No. 7 (July 27, 2017). In this instance, the Court will not apply retroactively the pre-filing certification requirement established by Judge Dorsey therein. *See id.* at 5 (establishing proceedings with which Plaintiff must comply before "filing any *new* complaint, petition, or other action in this court" (emphasis added)). Instead, the undersigned has reviewed Plaintiff's complaint in this case and finds Plaintiff's claims of stalking and police involvement/indifference[1] are sufficiently frivolous to warrant dismissal on the merits. *See Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989).

[1] The claims in this case are substantially similar to those found to be frivolous in other cases.

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED**.

DATED: August 17, 2017

NANCY J. KOPPE
United States Magistrate Judge

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst,* 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).