UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VICTORIA JOY GODWIN,

٧.

SENIOR GARDEN APPARTMENTS, et al.,

Defendants.

Plaintiff.

Case No. 2:17-cv-02178-MMD-CWH

ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE HOFFMAN

Before the Court is the Report and Recommendation of United States Magistrate Judge Hoffman (ECF No. 13) ("R&R") relating to plaintiff's motion for temporary restraining order ("TRO Motion") (ECF No. 7) and motions for judicial notice (ECF Nos. 8, 9). Plaintiff has until March 23, 2018 to file an objection. (ECF No. 13.) To date, no objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 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); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's recommendation, then the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to which no objection was filed).

The Magistrate Judge recommends denying Plaintiff's TRO Motion for, *inter alia*, Plaintiff's failure to demonstrate likelihood of success on the merits or that a temporary restraining order is needed to preserve the status quo. (ECF No. 13 at 2-3.) Having reviewed the R&R and the filings in this case, the Court agrees with Judge Hoffman and will adopt the R&R.

It is therefore ordered, adjudged and decreed that the Report and Recommendation of Magistrate Judge Hoffman (ECF No. 13) is accepted and adopted in its entirety.

It is ordered that plaintiff's motion for temporary restraining order (ECF No. 7) is denied.

It is further ordered that Plaintiff's motions for judicial notice (ECF Nos. 8, 9) are denied.

DATED THIS 29th day of March 2018.

MIRANDA M. DU UNITED STATES DISTRICT JUDGE