

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 2:17-cv-02207-JAD-PAL

4 Percy Lavae Bacon,

5 Petitioner

6 v.

7 State of Nevada,

8 Respondent

**Order Adopting
Report & Recommendation**

[ECF No. 2]

9
10 Petitioner Percy Lavae Bacon is a prisoner in the custody of the Nevada Department of
11 Corrections whose history of filing frivolous, malicious, or meritless claims now requires him to
12 either pay the full \$400 filing fee in advance for new actions or show that he is “under imminent
13 danger of serious physical injury.”¹ Magistrate Judge Peggy Leen recommends that I dismiss
14 this case without prejudice unless Bacon pays the \$400 filing fee by February 11, 2019.² Any
15 objections to that report and recommendation were due by January 25, 2019, and none were
16 filed. “[N]o review is required of a magistrate judge’s report and recommendation unless
17 objections are filed.”³ Having reviewed the R&R, I find good cause to adopt it, and I do.
18 Accordingly, IT IS HEREBY ORDERED that:

- 19 • The Magistrate Judge’s Report and Recommendation [ECF No. 2] is
20 **ADOPTED** in its entirety; and


21
22
23
24 ¹ 28 U.S.C. § 1915(g).

25 ² ECF No. 2.

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

- **Bacon must pay the \$400 filing fee in full by February 11, 2019, or this action will be dismissed** without prejudice.

Dated: January 29, 2019



U.S. District Judge Jennifer A. Dorsey

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