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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DAVID KATAYAMA,

Plaintiff,

v.

KUNIHICO HORITA, et al.,

Defendants.

Case No. 2:17-cv-03063-MMD-PAL

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
PEGGY A. LEEN

Before the Court is the Report and Recommendation of United States Magistrate Judge Peggy A. Leen (ECF No. 3) (“R&R”) relating to Plaintiff David Katayama’s application to proceed in forma pauperis (ECF No. 1) and pro se Complaint (ECF No. 1-1). Plaintiff had until March 6, 2019, to file an objection. (ECF No. 3.) 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.” *Id.* 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

1 employed by the district court when reviewing a report and recommendation to which no
2 objections were made); see also Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1226 (D.
3 Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-Tapia as adopting the view that
4 district courts are not required to review "any issue that is not the subject of an
5 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
6 the court may accept the recommendation without review. See, e.g., Johnstone, 263 F.
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a de novo review to
10 determine whether to adopt Magistrate Judge Leen's R&R. Judge Leen recommended
11 denying Plaintiff's application to proceed in forma pauperis because the Court lacks
12 personal jurisdiction or venue over his claims. (ECF No. 3 at 2.) Judge Leen further
13 recommended dismissing the Complaint without prejudice because the Complaint does
14 not establish that the Court has personal jurisdiction over Defendants or that the District
15 of Nevada is the proper venue for Plaintiff's claims. (Id. at 4.) Upon reviewing the R&R
16 and proposed complaint, this Court finds good cause to accept and adopt the Magistrate
17 Judge's R&R in full.

18 It is therefore ordered, adjudged, and decreed that the Report and
19 Recommendation of Magistrate Judge Peggy A. Leen (ECF No. 3) is accepted and
20 adopted in its entirety.

21 It is ordered that Plaintiff's application to proceed in form pauperis (ECF No. 1) is
22 denied.

23 It is further ordered that the Complaint is dismissed without prejudice.

24 The Clerk is directed to close this case.

25 DATED THIS 8th day of March 2019.

26 

27 _____
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE