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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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AVERY ALLEN CHURCH, JR.,	Case No. 2:18-CV-53 JCM (DJA)
Plaintiff(s),	ORDER
v.	
NEVADA DEPARTMENT OF CORRECTIONS, et al.,	
Defendant(s).	

Presently before the court is plaintiff Avery Allen Church Jr.’s (“plaintiff”) motion for leave to file a second amended complaint. (ECF No. 39). Defendants Loan, Lozano, and Padillo (collectively “defendants”) filed a response (ECF No. 43), to which plaintiff replied (ECF No. 44).

Also before the court is Magistrate Judge Albregts’s report and recommendation (“R&R”) recommending that plaintiff’s motion for leave to file a second amended complaint be denied. (ECF No. 46). Plaintiff did not file an objection, and the time to do so has passed.

Also before the court is plaintiff’s motion to prohibit defendant from seizing and searching legal documents. (ECF No. 28). Defendants filed a response (ECF No. 29), to which plaintiff replied (ECF No. 31).

This 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). 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).

James C. Mahan  
U.S. District Judge

1           Where a party fails to object, however, the court is not required to conduct “any review at  
2 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149  
3 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
4 magistrate judge’s report and recommendation where no objections have been filed. See *United*  
5 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
6 employed by the district court when reviewing a report and recommendation to which no  
7 objections were made).

8           Nevertheless, this court conducted a *de novo* review to determine whether to adopt the  
9 recommendation of the magistrate judge. Upon reviewing the recommendation and attendant  
10 circumstances, this court finds good cause appears to adopt the magistrate judge’s findings in  
11 full.

12           The court now turns to plaintiff’s motion to prohibit defendant from seizing and  
13 searching legal documents. Defendants aver as follows:

14                           Although Plaintiff’s request was file stamped on July 19, 2019, he  
15                           prepared it on July 14, 2019. ECF No. 28 at 1. Additionally, the  
16                           envelope is dated July 15, 2019. ECF No. 28 at 3. Plaintiff  
17                           received and signed for his property on July 15, 2019, the day after  
18                           writing a letter claiming he has not yet received his property. The  
19                           letter however was not filed until July 19, 2019, four days after  
20                           having received the property. This appears to just be odd timing. In  
21                           any event, Plaintiff has already received the property he is  
22                           claiming NDOC is withholding from him, and therefore Plaintiff’s  
23                           request is moot and should be denied.

24 (ECF No. 29 at 4). Because plaintiff’s belongings were returned to him, the court denies his  
25 motion as moot.

26           Accordingly,

27           IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge  
28           Albregts’s R&R (ECF No. 46) be, and the same hereby is, ADOPTED.

          IT IS FURTHER ORDERED that plaintiff’s motion for leave to file a second amended  
complaint (ECF No. 39) be, and the same hereby is, DENIED.

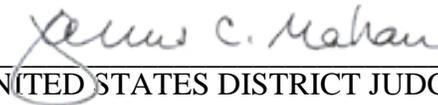
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IT IS FURTHER ORDERED that plaintiff's motion to prohibit defendant from seizing and searching legal documents (ECF No. 28) be, and the same hereby is, DENIED as moot.

DATED November 13, 2019.

  
UNITED STATES DISTRICT JUDGE