

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 JAMES ROBINSON and TABERNACLE
4 OF IZM,

5 Plaintiff

6 v.

7 LAS VEGAS BISTRO LLC, et al.,

8 Defendants

Case No.: 2:18-cv-01047-APG-GWF

**Order Accepting Report and
Recommendation and Order to Show
Cause Why Case Should Not Be Dismissed**

[ECF No. 5]

9 On January 25, 2019, Magistrate Judge Foley recommended that I dismiss the
10 complaint's Title VII claim with prejudice and dismiss the First Amendment and breach of
11 contract claims without prejudice. ECF No. 5. Judge Foley set a February 22, 2019 deadline for
12 the plaintiffs to file an amended complaint. *Id.* The plaintiffs did not file objections. Thus, I am
13 not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C.
14 § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the
15 report or specified proposed findings to which objection is made"); *United States v. Reyna-*
16 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the
17 magistrate judge's findings and recommendations de novo *if objection is made*, but not
18 otherwise" (emphasis in original)).

19 The plaintiffs also did not file an amended complaint by the February 22 deadline. I will
20 give the plaintiffs one final chance to either file an amended complaint or show cause in writing
21 why this case should not be dismissed. Failure to respond to this order will result in this case
22 being dismissed without prejudice.

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1 IT IS THEREFORE ORDERED that Judge Foley's report and recommendation (ECF
2 **No. 5) is accepted.**

3 IT IS FURTHER ORDERED that on or before March 15, 2019, the plaintiffs shall either
4 file an amended complaint consistent with Judge Foley's report and recommendation or show
5 cause in writing why this case should not be dismissed. **Failure to respond to this order will**
6 **result in this case being dismissed without prejudice.**

7 DATED this 5th day of March, 2019.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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