

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BILL KRANE; JOAN KRANE

Plaintiffs,

v.

CAROLL LEE BROWN; JACQUELINE
BROWN; CLAYTON M. BERNARD-EX,

Defendants.

Case No. 2:20-cv-00501-RFB-BNW

ORDER

Report and Recommendation (ECF No. 5)
Motion for Leave to Proceed in Forma
Pauperis (ECF No. 6)

I. INTRODUCTION

Before the Court are [ECF No. 5] Report and Recommendation of the Honorable Judge Weskler and [ECF No. 6] Carroll Lee Brown's Motion for Leave to Proceed in Forma Pauperis.

II. BACKGROUND

Plaintiffs Bill Krane and Joan Krane filed a motion for summary eviction before the Las Vegas Justice Court. ECF No. 1-1 at 16. On March 11, 2020, Defendant Jacqueline Brown filed a notice of removal and complaint against Plaintiffs before this Court. ECF No. 1-1. Brown alleges federal causes of action such as the RICO Act, and states that this Court has federal question jurisdiction and supplemental jurisdiction. Id. at 2.

On October 27, 2020, the Court screened Brown's complaint, dismissed Brown's complaint without prejudice, and ordered Brown to file an amended complaint if she chooses by November 30, 2020. ECF No. 3. The Court found that Brown did not properly remove this lawsuit from state court pursuant to 28 U.S.C. § 1441(a). Brown failed to show that this Court has jurisdiction over Plaintiff's claim in state court, which appears to be under NRS 40.253, a Nevada

1 statute that governs summary evictions for failure to pay rent. On October 27, 2020, Brown filed
2 another notice of removal of complaint, which appears to be duplicative of ECF No.1. ECF No. 4.

3 On December 9, 2020, the Magistrate Judge issued a Report and Recommendation. ECF
4 No. 5. The Report recommended that the case be dismissed without prejudice and closed because
5 no amended complaint or other response had been filed pursuant the (ECF No. 3) Order.

6 On December 25, 2020, Defendant Carroll Lee Brown filed a motion to proceed in forma
7 pauperis. ECF No. 6. Carroll Lee Brown submitted the affidavit required by 28 U.S.C. § 1915(a),
8 showing an inability to prepay fees or costs or give security for them. While Brown's take-home
9 pay is \$1,500 per month, her expenses exceed her income.

10 On February 8, 2021, the Court issued the following minute order: "In the Court's (ECF
11 No. 3) Order, dated October 27, 2020, Jacqueline Brown was given leave to file an amended
12 complaint by November 30, 2020. There has been no amended complaint or response to this
13 Court's order. IT IS ORDERED that Carroll Lee Brown, Jacqueline Brown, and Clayton M.
14 Bernard-Ex shall have until February 22, 2021 to file an amended complaint or otherwise respond,
15 if they so choose. If this Order is not timely complied with, dismissal of this action may result."
16 ECF No. 7.

17 On February 16, 2021, mail was returned as undeliverable to the address of Bill Krane.
18 ECF No. 8.

20 **III. DISCUSSION**

21 A district court "may accept, reject, or modify, in whole or in part, the findings or
22 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). A party may file specific
23 written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. §
24 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is
25 required to "make a de novo determination of those portions of the report or specified proposed
26 findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); see also Local
27 Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct
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1 “any review,” de novo or otherwise, of the report and recommendations of a magistrate judge.
2 Thomas v. Arn, 474 U.S. 140, 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due
3 by December 23, 2020. No objections have been filed. The Court has reviewed the record in this
4 case and concurs with the Magistrate Judge’s recommendations.

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6 **IV. CONCLUSION**


7 **IT IS THEREFORE ORDERED** that the [ECF No. 5] Report and Recommendation is
8 ACCEPTED and ADOPTED in full.

9 **IT IS FURTHER ORDERED** that [ECF No. 6] Motion for Leave to Proceed in forma
10 pauperis is DENIED without prejudice as moot.

11 **IT IS FURTHER ORDERED** that this case is dismissed without prejudice.

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13 The Court Clerk is directed to mail a copy of this order to Plaintiffs and Defendants.

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16 DATED: June 3, 2021

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19 **RICHARD F. BOULWARE**
20 **UNITED STATES DISTRICT JUDGE**
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