

1  
2  
3  
4  
5  
6  
7  
8  
9

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PARNELL COLVIN,

Plaintiff

v.

M.J. DEAN CONSTRUCTION, INC.,

Defendant

Case No.: 2:20-cv-01765-APG-EJY

**Order Accepting Report and  
Recommendation, Granting Motion to  
Dismiss in Part, Denying Motion to  
Amend, and Granting Leave to File a  
Second Amended Complaint**

[ECF Nos. 7, 12, 19]

10 On April 7, 2021, Magistrate Judge Youchah recommended that I grant in part defendant  
11 M.J. Dean Construction, Inc.'s motion to dismiss, deny plaintiff Parnell Colvin's motion to  
12 amend, and grant leave for Colvin to file a proposed second amended complaint. ECF No. 19.  
13 No party objected. Thus, I am not obligated to conduct a de novo review of the report and  
14 recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo  
15 determination of those portions of the report or specified proposed findings to which objection is  
16 made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the  
17 district judge must review the magistrate judge's findings and recommendations de novo *if*  
18 *objection is made*, but not otherwise" (emphasis in original)).

19 I THEREFORE ORDER that Magistrate Judge Youchah's report and recommendation  
20 **(ECF No. 19) is accepted**, defendant M.J. Dean Construction, Inc.'s motion to dismiss **(ECF**  
21 **No. 7) is GRANTED in part**, and plaintiff Parnell Colvin's motion to amend **(ECF No. 12) is**  
22 **DENIED**.

1 I FURTHER ORDER that by May 28, 2021, Parnell Colvin may file a second amended  
2 complaint consistent with Magistrate Judge Youchah's report and recommendation.

3 DATED this 27th day of April, 2021.

4 

5 \_\_\_\_\_  
6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23