

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES LLOYD PHILLIPS,

Case No.: 2:20-cv-01895-APG-NJK

Plaintiff

Order Accepting Report and Recommendation

V.

STATE OF NEVADA DEPARTMENT OF
TRAINING AND REHABILITATION, et
al.,

Defendants

[ECF No. 12]

9 On January 5, 2021, Magistrate Judge Koppe recommended that plaintiff James Phillips
10 complaint be dismissed because he did not pay the filing fee or complete an application to
11 proceed in forma pauperis. ECF No. 12. After this matter was remanded from the Ninth Circuit,
12 I gave Phillips until November 10, 2021 to object to Magistrate Judge Koppe’s report and
13 recommendation. ECF No. 20. Phillips has not objected. Thus, I am not obligated to conduct a
14 de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district
15 courts to “make a de novo determination of those portions of the report or specified proposed
16 findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
17 Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and
18 recommendations de novo if objection is made, but not otherwise” (emphasis in original)).

19 I THEREFORE ORDER that Magistrate Judge Koppe's report and recommendation
20 **(ECF No. 12) is accepted** and plaintiff James Phillips' complaint **(ECF No. 1-1) is dismissed**
21 **without prejudice**. The clerk of court is instructed to close this case.

DATED this 19th day of November, 2021.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE