

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FABIENNE ZANON,

Plaintiff(s),

v.

BEAUTY BY DESIGN, et al.,

Defendant(s).

Case No. 2:20-CV-2080 JCM (EJY)

ORDER

Presently before the court is Magistrate Judge Youchah's report and recommendation ("R&R"). (ECF No. 65). It is recommended that the plaintiff Fabienne Zanon's ("plaintiff") first amended complaint be stricken and judgment entered in favor of defendants.

Also pending before the court are defendants David Malitz, David Malitz MD PC, and Red Rock Surgery Center's motion to dismiss (ECF No. 27) and defendant Robert Troell's motion to dismiss (ECF No. 28). Plaintiff responded to both. (ECF No. 29). Replies were filed. (ECF Nos. 30, 31).

Also pending before the court is defendants David Malitz, David Malitz MD PC, and Red Rock Surgery Center's motion for summary judgment. (ECF No. 32). Plaintiff responded. (ECF No. 37). Defendants David Malitz, David Malitz MD PC, and Red Rock Surgery Center replied. (ECF No. 38).

Also pending before the court is a proposed pretrial order. (ECF No. 63).

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 R&R, then the court is required to "make a *de novo* determination of those portions of the [R&R] to which objection is made." *Id.*

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

7 No objections were filed to the R&R in this case and the deadline to do so has passed.
8 Thus, the court is not obligated to conduct a *de novo* review of the R&R and hereby
9 ADOPTS the magistrate judge’s findings.

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Youchah’s
12 R&R (ECF No. 65) be, and the same hereby is, ADOPTED, in full.

13 IT IS FURTHER ORDERED that plaintiff’s first amended complaint (ECF No. 26) is
14 STRICKEN.

15 IT IS FURTHER ORDERED that defendants David Malitz, David Malitz MD PC,
16 and Red Rock Surgery Center’s motion to dismiss (ECF No. 27) is DENIED as moot.

17 IT IS FURTHER ORDERED that defendant Robert Troell’s motion to dismiss (ECF
18 No. 28) is DENIED as moot.

19 IT IS FURTHER ORDERED that defendants David Malitz, David Malitz MD PC,
20 and Red Rock Surgery Center’s motion for summary judgment (ECF No. 32) is DENIED as
21 moot.

22 IT IS FURTHER ORDERED that the proposed pretrial order (ECF No. 63) is
23 REJECTED as moot.

24 The clerk is instructed to enter judgment for defendants and close the case.

25 DATED November 17, 2022.

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UNITED STATES DISTRICT JUDGE