

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JONATHAN MUNOZ,

Case No.: 2:21-cv-00430-APG-EJY

Plaintiff

## **Order Accepting Report and Recommendation**

V.

DENIS McDONOUGH,

## Defendant

[ECF No. 10]

8 On October 29, 2021, Magistrate Judge Youchah recommended that plaintiff Jonathan  
9 Munoz's amended complaint be dismissed, and that Munoz be given another opportunity to file  
10 an amended complaint. ECF No. 10. Munoz has not objected. Thus, I am not obligated to  
11 conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring  
12 district courts to "make a de novo determination of those portions of the report or specified  
13 proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114,  
14 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings  
15 and recommendations de novo if objection is made, but not otherwise" (emphasis in original)).

16 I THEREFORE ORDER that Magistrate Judge Youshah's report and recommendation  
17 (ECF No. 10) is accepted and plaintiff Jonathan Munoz's amended complaint (ECF No. 7) is  
18 dismissed without prejudice. Plaintiff Jonathan Munoz shall have until November 30, 2021 to  
19 file a second amended complaint that corrects the deficiencies identified in Judge Youshah's  
20 report and recommendation. Failure to file a second amended complaint by that date will result  
21 in this action being dismissed with prejudice.

DATED this 19th day of November, 2021.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE