

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY BAILEY,

Plaintiff,

vs.

NEVADA PAROLE BOARD, *et al.*,

Defendants.

Case No.: 2:22-cv-00306-GMN-VCF

ORDER

Pending before the Court is Plaintiff Anthony Bailey's ("Plaintiff's") Objection, (ECF No. 6), to the Magistrate Judge's Report and Recommendation ("R&R"), (ECF No. 5), recommending that the Court dismiss Plaintiff's Complaint, (ECF No. 1-1), with prejudice for failure to state a claim upon which relief can be granted.

For the reasons discussed below, the Court **DENIES** Plaintiff's Objection, and **ADOPTS in full** the Magistrate Judge's Report and Recommendation.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b).

Local Rule IB 3-2 requires a party to file "specific written objections" to a Report and Recommendation. *See also Greene v. People of California*, No. 2:15-cv-378, 2015 WL 4393897, at *1 (D. Nev. July 16, 2015). "Numerous courts have held that a general objection to the entirety of a magistrate judge's report has the same effect as a failure to object."

1 *Alcantara v. McEwen*, No. 12-cv-401, 2013 WL 4517861, at *1 (S.D. Aug. 15, 2013)
2 (collecting cases). To be specific, an objection must identify the specific finding or
3 recommendation to which the objection is made, state the basis for the objection, and specify
4 the place in the magistrate judge's report and recommendation where the disputed
5 determination is found. *See Sullivan v. Schriro*, 04-cv-1517, 2006 WL 1516005, at *3–5 (D.
6 Ariz. May 30, 2006). An objection that merely incorporates by reference or refers to the
7 briefing before the magistrate judge is not specific. *See DeJarlais v. King*, No. 15-cv-1005,
8 2015 WL 8180582, at *1 (S.D. Cal. Dec. 7, 2015) (determining that the plaintiff filed a general
9 objection which relieved the court of conducting a *de novo* review where the plaintiff's
10 objection consisted of incorporating the facts, claims, and arguments made in his previous
11 filings); *see also Grady v. Biter*, No. 13-cv-2479, 2016 WL 537175, at *2 (S.D. Cal. Feb. 10,
12 2016). Furthermore, "any objections that 'merely repeat the arguments already rejected by' the
13 Magistrate Judge must be overruled because '[o]bjections to a magistrate's Findings and
14 Recommendations are not a vehicle for the losing party to relitigate the case.'" *Williams v.*
15 *Navarro*, No. 18-cv-1581, 2022 WL 16758479, at *1 (S.D. Cal. Nov. 8, 2022) (quoting
16 *Hagberg v. Astrue*, No. 09-cv-01, 2009 WL 3386595, at *1 (D. Mont. Oct. 14, 2009).

17 Here, Plaintiff filed a general Objection to the Magistrate Judge's Report and
18 Recommendation because his Objection merely incorporates by reference the arguments he
19 made in his previous filings. (Obj. at 1, ECF No. 6). Plaintiff's Objection fails to identify with
20 any degree of specificity how, where, and why the Magistrate Judge erred. *See DeJarlais v.*
21 *King*, 2015 WL 8180582, at *1. Further, the Magistrate Judge already considered and rejected
22 the arguments Plaintiff made in his previous filings. *See Williams*, 2022 WL 3386595, at *1.

23 Accordingly, the Court finds that Plaintiff failed to make any specific objections to the
24 Magistrate Judge's Report and Recommendation. Thus, the Court need not conduct a *de novo*
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1 review. Even still, the Court did perform a *de novo* review of the entire record in this matter
2 and fully **ADOPTS** the Report and Recommendation.


3 **I. CONCLUSION**

4 **IT IS HEREBY ORDERED** that Plaintiff's Objection, (ECF No. 6), is **DENIED**.

5 **IT IS FURTHER ORDERED** that the Report and Recommendation, (ECF No. 5), is
6 **ADOPTED in full**.

7 **IT IS FURTHER ORDERED** that the Clerk is instructed to close the case.

8 **DATED** this 17 day of January, 2023.

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13 Gloria M. Navarro, District Judge
14 UNITED STATES DISTRICT COURT
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