UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JESSE L. LUCIO,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No.: 2:22-cv-01088-CDS-EJY

Order Adopting Report and Recommendation

[ECF No. 3]

Before the Court is the Report and Recommendation (R&R) of United States Magistrate Judge Elayna J. Youchah which was issued on July 14, 2022. ECF No. 3. In the R&R, the Magistrate Judge recommends that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) be denied a moot, and the Petition to Challenge Senate Bill 182 (ECF No. 1-1) be dismissed with prejudice. *Id* at 4. The deadline for any party to object to that recommendation was July 28, 2022, and no party filed an objection or asked to extend the deadline to do so.

While review is not required of a magistrate judge's report and recommendation unless objections are filed,[1] I nevertheless conducted a de novo review of the arguments set forth in the R&R pursuant to 28 U.S.C. § 636(b)(1). When reviewing the order of a magistrate judge, the order should only be set aside if the order is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. § 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev.

[1] *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1985). A magistrate judge's order is "clearly erroneous" if the court has "a definite and firm conviction that a mistake has been committed." *See United States v. United States Gypsum Co.*, 333 U.S. 364, 395, 68 S. Ct. 525, 92 L. Ed. 746 (1948); *Burdick v. Comm'r IRS*, 979 F.2d 1369, 1370 (9th Cir. 1992). "An order is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure." *UnitedHealth Grp., Inc. v. United Healthcare, Inc.*, No. 2:14-cv-00224-RCJ, 2014 U.S. Dist. LEXIS 129489, 2014 WL 4635882, at *1 (D. Nev. Sept. 16, 2014). Here, I find that Judge Youchah sets forth the proper legal analysis which is not clearly erroneous or contrary to the law. Accordingly,

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (ECF No. 3) is AFFIRMED and ADOPTED in its entirety.

IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is DENIED as moot.

IT IS FURTHER ORDERED that Plaintiff's Petition to Challenge Senate Bill 182 (ECF No. 1-1) is DISMISSED WITH PREJUDICE.

The Clerk of Court is directed to close this case.

DATED this 1st day of August, 2022.

Cristina D. Silva
United States District Judge