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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD ELRY MORRISON,
Plaintiff,
v.
JIM BENEDETTI, *et al.*,
Defendants.

3:07-CV-248-BES-VPC
ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#16) ("Recommendation") entered on August 27, 2008, in which the Magistrate Judge recommends that this Court enter an order granting defendants' Motion to Dismiss (#12) and the action be dismissed without prejudice. No objection to the Report and Recommendation has been filed.

I. DISCUSSION

This Court ^{Doc. 17} "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) (2005). Further, under 28 U.S.C. § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation, then this Court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made."¹ *Id.* Nevertheless, the statute does not "require[] some lesser review by [this Court] when no objections are filed." *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not

¹ For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

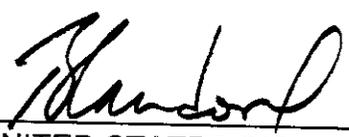
1 required to conduct "any review at all . . . of any issue that is not the subject of an objection."
2 Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to
3 review a magistrate judge's report and recommendation where no objections have been filed.
4 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
5 of review employed by the district court when reviewing a report and recommendation to which
6 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.
7 Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-Tapia as adopting the view that
8 district courts are not required to review "any issue that is not the subject of an objection.").
9 Thus, if there is no objection to a magistrate judge's recommendation, then this Court may
10 accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226
11 (accepting, without review, a magistrate judge's recommendation to which no objection was
12 filed).

13 In this case, Plaintiff has not filed an objection to the Magistrate Judge's Report and
14 Recommendation (#16). Although no objection was filed, this Court has reviewed the Report
15 and Recommendation, and accepts it. Accordingly,

16 IT IS ORDERED that defendants' Motion to Dismiss (#12) is GRANTED. This action
17 is dismissed without prejudice. The Clerk of the Court shall enter judgment

18 IT IS SO ORDERED.

19 DATED: This 29TH day of January, 2009..

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24 UNITED STATES DISTRICT JUDGE
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