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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT L. STOCKMEIER,	)	3:09-CV-39-RCJ(VPC)
Plaintiff,	)	<b>ORDER</b>
v.	)	
MARY BAKER, <i>et al.</i> ,	)	
Defendants.	)	

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#58) ("Recommendation") entered on November 23, 2009, in which the Magistrate Judge recommends that this Court enter an order granting plaintiff's motion for voluntary dismissal of action (#55). No objection to the Report and Recommendation has been filed.

**I. DISCUSSION**

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). 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."<sup>1</sup> 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 required to conduct "any review at all . . . of any issue that is not the subject of an objection." Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to review a magistrate

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<sup>1</sup> 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)(C).

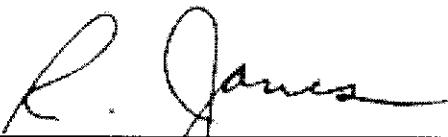
1 judge's report and recommendation where no objections have been filed. See United States  
2 v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed  
3 by the district court when reviewing a report and recommendation to which no objections were  
4 made); see also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

10 In this case, defendant filed a notice of non-opposition to the motion (#56) and no  
11 objection to the Magistrate Judge's Report and Recommendation. Although no objection was  
12 filed, this Court has reviewed the Report and Recommendation (#58), and accepts it.  
13 Accordingly,

14 IT IS HEREBY ORDERED that Plaintiff's Motion for Voluntary dismissal of Action (#55)  
15 is GRANTED. The Clerk of the Court shall enter judgment accordingly.

16 IT IS SO ORDERED.

17 DATED: This 2nd day of February, 2010.

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22 Robert C. Jones  
23 UNITED STATES DISTRICT JUDGE  
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