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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BERTON G. TOAVS,

Plaintiff,

v.

ROBERT BANNISTER, et. al.,

Defendants.

Case No. 3:12-cv-00449-MMD-WGC

ORDER ACCEPTING REPORT AND
RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb ("R&R") (dkt. no. 45) recommending the Court deny Plaintiff Berton Toav's Motion for Leave to Amend ("Motion") (dkt. no. 43). Objections were due by May 31, 2014, but no objection was filed.

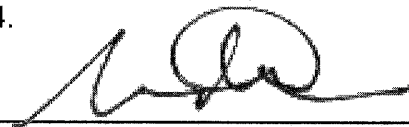
This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no

1 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
2 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
3 district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt the R&R. The R&R finds that the Motion should be denied
10 because: (1) Plaintiff did not show good cause for filing the Motion outside the
11 parameters of the scheduling order; and (2) Plaintiff did not cure any of the deficiencies
12 noted in Judge Cobb's previous order denying Plaintiff's previous motion for leave to
13 amend. (Dkt. no. 45 at 6, 9–10.) The Court agrees. Upon the review of the filings and the
14 record, the Court determines that the R&R should be adopted and the Motion denied.

15 It is therefore ordered that the Report and Recommendation of Magistrate Judge
16 William G. Cobb ("R&R") (dkt. no. 45) is accepted and adopted in its entirety. Plaintiff's
17 Motion for Leave to Amend ("Motion") (dkt. no. 43) is denied.

18 DATED THIS 19th day of June 2014.

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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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