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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 JERMAINE COLLINS,

Case No. 3:13-cv-00103-MMD-WGC

10 Plaintiff,

ORDER

11 v.

12 KEITH KENNEDY,

13 Defendants.
14


15 Before the Court is Magistrate William G. Cobb's Report and Recommendation
16 ("R&R") (dkt. no. 19) recommending dismissal of this action with prejudice. Plaintiff was
17 given until September 25, 2013, to file any objections. (*Id.*) No objections were filed.
18 This Court "may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely
20 objects to a magistrate judge's report and recommendation, then the court is required to
21 "make a *de novo* determination of those portions of the [report and recommendation] to
22 which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however,
23 the court is not required to conduct "any review at all . . . of any issue that is not the
24 subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth
25 Circuit has recognized that a district court is not required to review a magistrate judge's
26 report and recommendation where no objections have been filed. See *United States v.*
27 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
28 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
3 that 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 in
9 order to determine whether to adopt the R&R. The R&R recommends dismissal of this
10 action with prejudice based on Plaintiff's failure to comply with the Court's orders, failure
11 to update the Court with his current address and failure to prosecute this case. In fact,
12 the R&R was returned to the Court as undeliverable since Plaintiff failed to update the
13 Court on his current address. (Dkt. no. 20.) Upon review of the R&R and the record in
14 this case, the Court determines that it is appropriate to adopt the R&R in full.

15 It is hereby ordered that the R&R (dkt. no. 19) is accepted and adopted. It is
16 ordered that this action is dismissed with prejudice. The Clerk is directed to close this
17 case.

18 DATED THIS 5th day of March 2014.

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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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