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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 JOHN M. TOWNSEN,

Plaintiff,

Case No. 3:13-cv-00223-MMD-VPC

10 v.

11 MS. HEBERT et al.,

12 Defendants.
13

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge Valerie P. Cooke's ("R&R") (dkt. no. 49), recommending that defendants' motion
16 for summary judgment (dkt. no. 38) be granted. Plaintiff had until August 14, 2015 to
17 object. (Dkt. no. 49.) To date, Plaintiff has failed to object.

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

1 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
3 view 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 R&R without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at
6 1226 (accepting, without review, a magistrate judge's recommendation to which no
7 objection was filed).


8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R
10 and records in this case, this Court finds good cause to adopt the Magistrate Judge's
11 R&R in full.

12 It is therefore ordered, adjudged and decreed that the R&R of Magistrate Judge
13 Valerie P. Cooke (dkt. no. 49) is accepted and adopted in its entirety.

14 It is further ordered that defendants' motion for summary judgment (dkt. no. 38) is
15 granted.

16 It is further ordered that the Clerk enter judgment for defendants and close this
17 case.

18 DATED THIS 2nd day of October 2015.

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21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
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