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6	UNITED STATES DISTRICT COURT	
7	DISTRICT OF NEVADA	
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10	STEVEN KOZLOWSKI and MICHELLE KOZLOWSKI,	Case No. 3:14-cv-00218-MMD-WGC
11	Plaintiffs,	ORDER REGARDING REPORT AND RECOMMENDATION OF
12	V.	MAGISTRATE JUDGE WILLIAM G. COBB
13	THE STATE OF NEVADA, et al.,	
14	Defendants.	
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Before the Court is the Report and Recommendation of United States
Magistrate Judge William G. Cobb (dkt. no. 10) ("R&R") relating to Plaintiffs'
amended complaint. Plaintiff had until September 11, 2014, to object to the
Recommendation. Plaintiffs filed their objection on November 3, 2014 (dkt.
no. 15).

This Court "may accept, reject, or modify, in whole or in part, the 21 findings or recommendations made by the magistrate judge." 28 U.S.C. § 22 636(b)(1). Where a party timely objects to a magistrate judge's report and 23 recommendation, then the court is required to "make a de novo 24 determination of those portions of the [report and recommendation] to which 25 objection is made." 28 U.S.C. § 636(b)(1). In light of Plaintiffs' objection, the 26 Court has engaged in a *de novo* review to determine whether to adopt 27 28 Magistrate Judge Cobb's R&R.

The Magistrate Judge recommended dismissing this action with prejudice because Plaintiffs' allegations fail to state any plausible claim for relief. Plaintiffs request that dismissal be without prejudice. The Court agrees with the Magistrate Judge that the amended complaint fails to state a claim. However, in light of Plaintiff's pro se status, the Court finds that dismissal should be without prejudice even though Plaintiffs had been given an opportunity to amend. The Court therefore adopts the Magistrate Judge's Recommendation in part.

9 It is therefore ordered, adjudged and decreed that the Report and
10 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 10) be
11 accepted and adopted in part.

12 It is ordered that Plaintiffs' Amended Complaint (dkt. no. 8) is13 dismissed without prejudice.

14 It is further ordered that Plaintiffs' Motion for Service of Summons by15 United States Marshal (dkt. no. 9) is denied as moot.

DATED THIS 8th day of December 2014.

MÍRANDA M. DU UNITED STATES DISTRICT JUDGE