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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TACUMA J. M'WANZA,

Plaintiff,

v.

DEPUTY DIRECTOR FOSTER, *et al.*,

Defendants.

Case No. 3:14-cv-331-MMD-WGC

ORDER REGARDING REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 106) (“R&R”) recommending denial of Defendants’ Motion for Summary Judgment (ECF No. 86). Defendants had until October 3, 2017 to object. (ECF No. 106.) On October 3, 2017, Defendants moved for an extension of time to December 1, 2017 to file their objection. (ECF No. 108.) The Court granted Defendants’ request in part and extended the deadline to November 6, 2017. (ECF No. 109.) To date, Defendants have not filed an objection.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 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

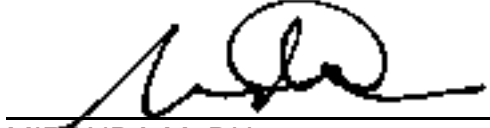
1 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
2 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
3 magistrate judge’s report and recommendation where no objections have been filed. See
4 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
5 of review employed by the district court when reviewing a report and recommendation to
6 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
7 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting
8 the view that district courts are not required to review “any issue that is not the subject of
9 an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation,
10 then the court may accept the recommendation without review. See, e.g., *Johnstone*,
11 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s
12 recommendation to which no objection was filed).

13 While Defendants have not objected to the R&R, the Court has nevertheless
14 conducted a *de novo* review to determine whether to adopt the R&R. Having reviewed
15 the R&R and the briefs relating to Defendants’ Motion for Summary Judgment, the Court
16 the Court agrees with the Magistrate and will adopt the R&R.

17 It is therefore ordered, adjudged and decreed that the Report and
18 Recommendation of Magistrate Judge William G. Cobb (ECF No. 106) is accepted and
19 adopted in full.

20 It is further ordered that Defendants’ Motion for Summary Judgment (ECF No. 86)
21 is denied.

22 DATED THIS 28th day of December 2017.

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25 _____
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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