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## UNITED STATES DISTRICT COURT

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## DISTRICT OF NEVADA

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10 JOHN FRANCIS ARPINO,

Case No. 3:14-cv-00409-MMD-WGC

11 Plaintiff,

12 v.

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE WILLIAM G. COBB

13 BRIAN SANDOVAL, et al.,

14 Defendant.

15 Before the Court is the Report and Recommendation of United States Magistrate  
16 Judge William G. Cobb (dkt. no. 5) (“R&R”) relating to Plaintiff’s filing characterized as “A  
17 Federal Criminal Complaint” (dkt. no. 1-1). Plaintiff filed his objection to the R&R on  
18 August 15, 2014 (dkt. no. 6).

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

26 The Magistrate Judge recommended dismissing this action with prejudice mainly  
27 because Plaintiff cannot initiate a criminal complaint. The Court agrees with the  
28 Magistrate Judge. Plaintiff in his objection contends that he seeks to file the criminal

1 complaint as “the relator” “in the name of and on behalf of the government or state.”  
2 However, no such private right exists for citizens to bring a criminal complaint on behalf  
3 of the United States.

4 It is therefore ordered, adjudged and decreed that the Report and  
5 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 5) be accepted and  
6 adopted in its entirety.

7 It is ordered this action is dismissed.

8 The Clerk is instructed to close this case.

9 DATED THIS 29<sup>th</sup> day of September 2014.

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13 MIRANDA M. DU  
14 UNITED STATES DISTRICT JUDGE  
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