

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANTWON MAURICE BAYARD,
BAYARD MAURICE ANTWON,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al*,

Defendants.

Case No. 3:14-cv-00446-MMD-WGC

ORDER ACCEPTING AND ADOPTING
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 (dkt. no. 17) (“R&R”) recommending the Court dismiss this action with prejudice. An objection to the R&R was timely filed by Plaintiff (“Objection”) (dkt. no. 18).


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 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See

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

10 While Plaintiff filed an objection to the R&R, he does not address the R&R.
11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to determine
12 whether to adopt Magistrate Judge Cobb’s Recommendation. Upon reviewing the
13 Recommendation and underlying filings, this Court finds good cause to adopt the
14 Magistrate Judge’s Recommendation in full.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 17) be accepted and
17 adopted in its entirety. Plaintiff’s application to proceed in forma pauperis is denied. This
18 action is dismissed with prejudice. The Clerk is directed to close this case.

19 DATED THIS 31st day of December 2014.

20
21 
22 _____
23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
25
26
27
28