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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMAL DAMON HENDRIX,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:15-cv-00155-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 (ECF No. 76) (“R&R” or “Recommendation”), recommending denial of Defendants’ Motion for Partial Summary Judgment (“Motion”) (ECF No. 33). Defendants had until April 6, 2017, to object to the R&R. To date, no objection to the R&R has been filed.

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 the
5 view that district courts are not required to review “any issue that is not the subject of an
6 objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then
7 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Cobb’s Recommendation. Defendants
12 seek partial summary judgment, contending that Plaintiff failed to exhaust his
13 administrative remedies relating to claims in three counts. Upon reviewing the
14 Recommendation, Defendants’ Motion and the underlying records, the Court agrees with
15 the Magistrate Judge’s recommendation to deny summary judgment.

16 It is therefore ordered, adjudged and decreed that the Report and
17 Recommendation of Magistrate Judge William G. Cobb (ECF No. 76) is accepted and
18 adopted in its entirety.

19 It is ordered that Defendants’ Motion for Partial Summary Judgment (ECF No. 33)
20 is denied.

21
22 DATED THIS 28th day of April 2017.

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