



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


9           Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
10 determine whether to adopt Magistrate Judge Cobb’s Recommendation. The Magistrate  
11 Judge found that Plaintiff has failed to exhaust his administrative remedies on his single  
12 Eighth Amendment claim of deliberate indifference to a medical need (ECF No. 58). For  
13 this reason, the Magistrate Judge recommends granting summary judgment in favor of  
14 Defendant Dr. Yup. Upon reviewing the Recommendation and the briefs relating to  
15 Defendant’s Motion, the Court agrees with the Magistrate Judge and therefore adopts  
16 the R&R in full.

17           It is therefore ordered, adjudged and decreed that the Report and  
18 Recommendation of Magistrate Judge William G. Cobb (ECF No. 58) is accepted and  
19 adopted in its entirety.

20           It is ordered that Defendant Gene Yup’s Motion for Summary Judgment (ECF No.  
21 44) is granted.

22           It is further order that the Clerk of Court enter judgment accordingly and close this  
23 case.

24           DATED THIS 23<sup>rd</sup> day of October 2017.

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28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE