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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DANIEL V. MERRY,

Plaintiff,

v.

BRIAN SANDOVAL, *et al.*,

Defendants.

Case No. 3:16-cv-00164-MMD-WGC

ORDER

The Court granted summary judgment in favor of Defendants in this *pro se* action filed under 42 U.S.C. § 1983.¹ (ECF No. 74.) Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 79), recommending that the Court deny Defendants’ motion for attorneys’ fees (“Motion”) (ECF No. 77; ECF No. 78 (errata)). Defendants had until November 22, 2019, to file an objection. To date, no objection to the R&R has been filed. For this reason, the Court adopts the R&R.

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.” *Id.* 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

¹Plaintiff filed an untimely objection to Judge Cobb’s report and recommendation to grant Defendants’ motion for summary judgment after judgment was entered. (ECF No. 76.) Even construing the objection as a motion for reconsideration, the Court denies the same as Plaintiff failed to offer a valid reason for the Court to reconsider.

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

12 Defendants failed to timely object to Judge Cobb's well-reasoned R&R.
13 Accordingly, the Court adopts the R&R and will deny Defendants' motion.

14 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.
15 79) is adopted in full.

16 It is further ordered that Defendants' motion for attorneys' fees (ECF No. 77) is
17 denied.

18 DATED THIS 25th day of November 2019.

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22 MIRANDA M. DU
23 CHIEF UNITED STATES DISTRICT JUDGE
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