

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JACOB R. PRATT,

Plaintiff

HEALER, *et al.*,

Defendants

Case No. 3:16-cv-00367-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. 33) ("R&R") recommending dismissal of this action without prejudice. Plaintiff had until July 5, 2017, to object to the R&R. To date, no objection 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 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

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

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cobb's R&R. The Magistrate Judge
10 recommends permitting Plaintiff to voluntarily dismiss this action without prejudice. (ECF
11 No. 33.) Upon reviewing the R&R and records in this case, this Court finds good cause
12 to adopt the Magistrate Judge's R&R in full.

13 It is therefore ordered, adjudged and decreed that the Report and
14 Recommendation of Magistrate Judge William G. Cobb (ECF No. 33) is accepted and
15 adopted in its entirety.

16 It is ordered that this case is dismissed without prejudice.

17 The Clerk is instructed to close this case.

18 DATED THIS 10th day of July 2017.

19
20 
21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28