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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ENOMA IGBINOVIA,

Petitioner,

v.

STATE OF NEVADA ex rel NEVADA
DEPARTMENT OF CORRECTIONS,
et al.,

Respondents.

Case No. 3:16-cv-00497-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (EDF No. 141) (“R&R”) relating to three pending motions: Defendants’ motion to dismiss (“Defendants’ MTD”) (ECF No. 64); Defendants’ motion for summary judgment (“Defendants’ MSJ”) (ECF No. 65); and Plaintiff’s cross-motion for summary judgment (“Plaintiff’s Motion”) (ECF No. 114).¹ Judge Cooke recommends granting Defendants’ MSJ, denying Plaintiff’s Motion, and denying Defendants’ MTD as moot. (ECF No. 141.) Plaintiff had fourteen (14) days or until August 7, 2018, to file an objection. (*Id.*) 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

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¹Plaintiff also filed a motion to offer as an exhibit a copy of the receipt dated May 31, 2018, showing that he mailed his reply brief before the deadline. (ECF No. 138.) Plaintiff’s motion (ECF No. 138) is granted. While Plaintiff’s reply was filed a day late, the Court did consider his reply.

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1 required to “make a *de novo* determination of those portions of the [report and
2 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails
3 to object, however, the Court is not required to conduct “any review at all . . . of any issue
4 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed,
5 the Ninth Circuit has recognized that a district court is not required to review a magistrate
6 judge’s report and recommendation where no objections have been filed. *See United*
7 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
8 employed by the district court when reviewing a report and recommendation to which no
9 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
10 Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that
11 district courts are not required to review “any issue that is not the subject of an objection.”).
12 Thus, if there is no objection to a magistrate judge’s recommendation, then the Court may
13 accept the recommendation without review. *See, e.g., id.* at 1226 (accepting, without
14 review, a magistrate judge’s recommendation to which no objection was filed).

15 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
16 determine whether to adopt Judge Cooke’s R&R. Judge Cooke recommends granting
17 Defendants’ MSJ, finding that the two-year statute of limitations on section 1983 claims
18 bars all five (5) claims that survived screening. (ECF No. 141.) Having reviewed the R&R
19 and underlying briefs, this Court agrees with Judge Cooke and finds good cause to adopt
20 the R&R in full.

21 It is therefore ordered, adjudged and decreed that the Report and Recommendation
22 of Magistrate Judge Valerie P. Cooke (ECF No. 141) is accepted and adopted in its
23 entirety.

24 It is further ordered that Plaintiff’s motion to file supplement (ECF No. 138) is
25 granted.

26 It is further ordered that Defendants’ motion to dismiss (ECF No. 64) is denied as
27 moot.

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It is further ordered that Defendants' motion for summary judgment (ECF No. 65) is granted.

It is further ordered that Plaintiff's cross-motion for summary judgment (ECF No. 114) is denied.

The Clerk is instructed to enter judgment in accordance with this Order and close this case.

DATED THIS 13th day of August 2018.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE