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28UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TAMAS HORVATH,

Case No. 3:16-cv-00553-MMD-WGC

Plaintiff,

v.

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE WILLIAM G. COBBBRIAN WILLIAMS, SR., *et al.*,

Defendants.

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 58) (“R&R”) relating to Defendant Steve Prentice’s motion for summary judgment (ECF No. 30) and Plaintiff Tamas Horvath’s motion for default judgment as to Defendant George McMurry (ECF No. 53). The parties had until December 10, 2018, to object to the R&R. No objections to the R&R have 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.” *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 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

1 employed by the district court when reviewing a report and recommendation to which no  
2 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
3 Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that  
4 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., id.* at 1226  
7 (accepting, without review, a magistrate judge’s recommendation to which no objection  
8 was filed).

9         Nevertheless, the 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 recommended denying Defendant’s motion for summary judgment (ECF No. 30)  
12 and denying without prejudice Plaintiff’s motion for default judgment as to Defendant  
13 George McMurry (ECF No. 53). Upon reviewing the Recommendation and underlying  
14 briefs, this Court finds good cause to adopt the Magistrate Judge’s R&R in full.

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

18         It is further ordered that Defendant’s motion for summary judgment (ECF No. 30)  
19 is denied.

20         It is further ordered that Plaintiff’s motion for default judgment (ECF No. 53) is  
21 denied without prejudice.

22         DATED THIS 14<sup>th</sup> day of December 2018.

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26 MIRANDA M. DU  
27 UNITED STATES DISTRICT JUDGE  
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