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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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KEVIN JOHNSON,

Plaintiff,

v.

NEWTON, et al.,

Defendants.

Case No. 3:16-cv-00582-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. 45) (“R&R”) issued on June 22, 2018, relating to Defendants’ motion for summary judgment (ECF No. 18). Defendants had fourteen (14) days to object. That time period has expired and Defendants failed to object.

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, 1123 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and

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

8 Neither Plaintiff nor Defendants objected to the R&R. Nevertheless, the Court will  
9 conduct a de novo review to determine whether to adopt the R&R. The Magistrate  
10 Judge recommends denying any request by Plaintiff to defer ruling on the motion for  
11 summary judgment under Rule 56(d), denying Defendants' Motion for Summary  
12 Judgment (ECF No. 18), and dismissing without prejudice the doe defendants and  
13 claims asserted against them in Count II because Plaintiff has failed to timely serve  
14 those defendants. Having reviewed the R&R, Defendant's motion and the filings in this  
15 case, the Court agrees with the R&R and will adopt Judge Cobb's recommendation.

16 It is therefore ordered that the Report and Recommendation of Magistrate Judge  
17 William G. Cobb (ECF No. 45) is accepted and adopted in its entirety.

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

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21 DATED THIS 30<sup>th</sup> day of July 2018.

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MIRANDA M. DU  
26 UNITED STATES DISTRICT JUDGE  
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