

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRENT MORRIS,

Plaintiff,

NEVADA GAMING CONTROL BOARD,

Defendant.

Case No. 3:16-cv-00604-MMD-VPC

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

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 4) (“R&R”) relating to Plaintiff’s Application to Proceed *In Forma Pauperis* (ECF No. 1) and *pro se* complaint (ECF No. 1-1). The R&R recommends granting plaintiff’s application to proceed *in forma pauperis* and dismissing the complaint with prejudice. Plaintiff filed his objection thereto on July 19, 2017 (ECF No. 4).

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).

In light of plaintiff's objections, the Court has engaged in a *de novo* review to determine whether to adopt Magistrate Judge Cooke's recommendations. Judge Cooke found that Plaintiff filed two nearly identical cases in this district: *Morris v. Orleans Hotel and Casino*, case no. 2:12-cv-01683-JCM-CWH; and *Morris v. Caberto*, case no. 2:16-

1 cv-02416-GMN-NJK. (ECF No. 3 at 3.) Plaintiff contends that this Court granted him
2 leave to file claims under 42 U.S.C. § 1983 when the Court dismissed his petition for writ
3 of habeas corpus in case no. 3:16-cv-00212-MMD-WGC. (ECF No. 4 at 4.) In that case,
4 the Court dismissed the petition and noted that petitioner “may have a claim that is
5 cognizable under 42 U.S.C. § 1983” and directed the Clerk to send petitioner the proper
6 civil rights complaint form. (*Moriss v. Baca*, case no. 3:16-cv-00212-MMD-WGC (ECF
7 No. 6 at 1-2).) However, the Court did not grant leave for Plaintiff file duplicative actions
8 as he has done by initiating this action. Therefore, this Court finds good cause to adopt
9 the Magistrate Judge’s Recommendation in full for the reasons articulated in the R&R.

10 It is therefore ordered, adjudged and decreed that the Report and
11 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 3) is accepted and
12 adopted in its entirety.

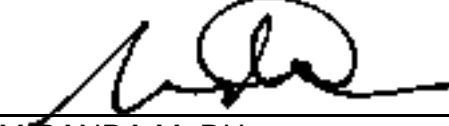
13 It is ordered that Plaintiff’s Application to Proceed *In Forma Pauperis* (ECF No. 3)
14 is granted.

15 It is further ordered that the Clerk file the complaint (ECF No. 1-1)

16 It is further ordered that the complaint is dismissed with prejudice.

17 The Clerk is instructed to close this case.

18 DATED THIS 10th day of October 2017.

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21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
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