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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 ROBERT WADE MORSE,

Case No. 3:16-cv-00680-MMD-WGC

7 Plaintiff,

AMENDED ORDER<sup>1</sup>

8 v.

9 ROMEO ARANAS, et al.,

10 Defendants.

11 Plaintiff Robert Wade Morse, who was in the custody of the Nevada Department  
12 of Corrections (“NDOC”), brings this action under 42 U.S.C. § 1983. Before the Court is  
13 the Report and Recommendation (“R&R” or “Recommendation”) of United States  
14 Magistrate Judge William G. Cobb (ECF No. 42), recommending that the Court dismiss  
15 this action with prejudice due to Plaintiff’s failure to prosecute this action, and to  
16 respond to the Court’s order to show cause. Plaintiff had until June 17, 2019 to file an  
17 objection. (Id.) To date, no objection to the R&R has been filed. For this reason, and as  
18 explained below, the Court adopts the R&R.

19 This Court “may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
21 timely objects to a magistrate judge’s report and recommendation, then the Court is  
22 required to “make a de novo determination of those portions of the [report and  
23 recommendation] to which objection is made.” Id. Where a party fails to object,  
24 however, the court is not required to conduct “any review at all . . . of any issue that is  
25 not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the  
26 Ninth Circuit has recognized that a district court is not required to review a magistrate  
27 judge’s report and recommendation where no objections have been filed. See *United*

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<sup>1</sup>The Court amends this order only to correct a typo. The previous version of this order referenced 18 U.S.C. § 1983 instead of 42 U.S.C. § 1983.

1 States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of  
2 review employed by the district court when reviewing a report and recommendation to  
3 which no objections were made); see also Schmidt v. Johnstone, 263 F. Supp. 2d 1219,  
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-Tapia as adopting  
5 the view that district courts are not required to review "any issue that is not the subject  
6 of an objection."). Thus, if there is no objection to a magistrate judge's recommendation,  
7 then the Court may accept the recommendation without review. See, e.g., Johnstone,  
8 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's  
9 recommendation to which no objection was filed).

10 While Plaintiff has failed to object to Judge Cobb's recommendation to dismiss  
11 this action, the Court will conduct a de novo review to determine whether to adopt the  
12 R&R. Judge Cobb found that Plaintiff has failed to prosecute this action since the  
13 unsuccessful mediation held on February 6, 2018, and to respond to his order to show  
14 cause as to why this action should not be dismissed for want of prosecution. (ECF No.  
15 42.) Having reviewed the R&R and the records in this case, the Court agrees with  
16 Judge Cobb.

17 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.  
18 42) is adopted in full.

19 It is further ordered that this action is dismissed with prejudice.

20 It is further ordered that Defendants' motion for summary judgment (ECF No. 34)  
21 is denied as moot.

22 The Clerk of Court is directed to enter judgment in accordance with this order  
23 and close this case.

24 DATED nunc pro tunc THIS 24<sup>th</sup> day of June 2019.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE