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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BILL LIETZKE

Plaintiff,

v.

CITY OF MONTGOMERY, *et al.*,

Defendants.

Case No. 3:17-cv-00040-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. 3) (“R&R”) relating to Plaintiff’s Application to Proceed *In Forma Pauperis* (ECF No. 1) and *pro se* complaint (ECF No. 1-1). Plaintiff had until February 10, 2017 to file an objection (“Objection”). (ECF No. 3.) Plaintiff filed his first objection on February 27, 2017 (ECF No. 4), and filed his second objection on April 28, 2017 (ECF No. 7). While Plaintiff’s objections were untimely, the Court has considered his objections.

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 objection, the Court engages in a *de novo* review to determine whether to adopt Magistrate Judge Cobb’s Recommendation.

The Magistrate Judge recommends that this case be dismissed for lack of personal jurisdiction because Plaintiff and defendants are alleged to be residents of

1 Alabama and there are no allegations of contacts with Nevada. Plaintiff relies on general
2 case law governing personal jurisdiction, but it is clear that this Court lacks personal
3 jurisdiction over named out of state defendants. Upon reviewing the Recommendation
4 and Plaintiff's filings, this Court finds good cause to adopt the Magistrate Judge's
5 Recommendation in full.

6 It is therefore ordered, adjudged and decreed that the Report and
7 Recommendation of Magistrate Judge William G. Cobb (ECF No. 3) is accepted and
8 adopted in its entirety.


9 It is ordered that Plaintiff's motion to proceed *in forma pauperis* (ECF No 1) is
10 granted.

11 It is further ordered that the Clerk file the Complaint (ECF No. 1-1).

12 It is further ordered that the complaint is dismissed without prejudice.

13 The Clerk is instructed to close this case.

14 DATED THIS 1st day of May 2017.

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18 MIRANDA M. DU
19 UNITED STATES DISTRICT JUDGE
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