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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 CLIFFORD W. MILLER,

7 Plaintiff,

8 v.

9 ROMEO ARANAS, *et al.*,

10 Defendants.

Case No. 3:17-cv-00068-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

11 Plaintiff Clifford W. Miller, an incarcerated person, brings this civil rights case
12 pursuant to 42 U.S.C. § 1983. Magistrate Judge William G. Cobb issued a Report and
13 Recommendation (“R&R”) concerning Miller’s pending motions for preliminary injunction
14 (ECF No. 38) and for partial summary judgment (ECF No. 51). (ECF No. 72.) Any objection
15 to the R&R was due by August 7, 2020, but none has been filed. For the reasons below,
16 the Court will accept the R&R in full.

17 This Court “may accept, reject, or modify, in whole or in part, the findings or
18 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
19 fails to object the Court is not required to conduct “any review at all . . . of any issue that
20 is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also*
21 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the
22 magistrate judges’ findings and recommendations is required if, but *only* if, one or both
23 parties file objections to the findings and recommendations.”) (emphasis in original); Fed.
24 R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy
25 itself that there is no clear error on the face of the record in order to accept the
26 recommendation”).

27 Here, Judge Cobb recommends that the noted motions be denied as moot and
28 without prejudice given, among other things, Miller filing a third amended complaint

1 (“TAC”) (ECF No. 71)—now the operative complaint. (See ECF No. 72 at 4–5.) Because,
2 as Judge Cobb notes, both pending motions are directed at the second amended
3 complaint (*id.*) which has now been superseded by the TAC, the Court agrees they should
4 be denied as moot without prejudice.

5 It is therefore ordered, adjudged, and decreed that the Report and
6 Recommendation of Magistrate Judge William G. Cobb (ECF No. 72) is accepted and
7 adopted in its entirety.

8 It is further ordered that Miller’s motion for preliminary injunction (ECF No. 38) and
9 motion for partial summary judgment (ECF No. 51) are denied as moot without prejudice.

10 DATED THIS 10th day of August 2020.

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13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE

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