

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL A. SWINTON,

Plaintiff,

GOODWILL INDUSTRIES, INC.,

Defendant.

Case No. 3:17-cv-00123-MMD-VPC

ORDER ADOPTING AND ACCEPTING
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. 27) ("R&R"). No objection to the R&R has been filed.¹

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

¹The R&R (ECF No. 27) that was mailed to Plaintiff was returned as undeliverable. (ECF No. 28.)

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

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cooke's R&R. The R&R recommends that
10 this action be dismissed with prejudice based upon Plaintiff's failure to notify the court of
11 his change of address pursuant to LR IA 3-1. The R&R (ECF No. 27) that was mailed to
12 Plaintiff was returned as undeliverable. (ECF No. 28.) Upon reviewing the R&R and
13 records in this case, this Court finds good cause to adopt the Magistrate Judge's R&R in
14 full.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 27) is accepted and
17 adopted in its entirety.

18 It is ordered that this action is dismissed for plaintiff's failure to comply with LR IA
19 3-1.

20 It is further ordered that Defendant's motion to dismiss (ECF No. 9) and motion to
21 strike (ECF No. 16) are denied as moot.

22 The Clerk is directed to close this case.

23 DATED THIS 12th day of March 2018.

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25 
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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