

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STANLEY KUZMICKI,

Plaintiff,

v.

DAVID NEIDERT, ESQ., *et al.*,

Defendants.

Case No. 3:17-cv-00341-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 July 14, 2017, to file an objection. To date, no objection to the R&R has been filed.

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

1 recommendation to which no objections were made); *see also Schmidt v. Johnstone*,
2 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in
3 *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a
5 magistrate judge's recommendation, then the court may accept the recommendation
6 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without
7 review, a magistrate judge's recommendation to 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 Cobb's R&R. Upon reviewing the R&R
10 and proposed complaint, this Court finds good cause to accept and adopt the
11 Magistrate Judge's R&R in full.

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


15 It is ordered that plaintiff's application to proceed *in form pauperis* (ECF No. 1) is
16 granted; plaintiff will not be required to pay an initial fee.

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

18 It is further ordered that the complaint be dismissed with prejudice.

19 The Clerk is directed to enter judgment in accordance with this Order and closed
20 this case.

21 DATED THIS 26th day of July 2017.

22
23
24 
25 _____
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
28