

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STANLEY KUZMICKI

Plaintiff,

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

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge William G. Cobb (ECF No. 3) ("R&R") relating to plaintiff's application to proceed
16 *in forma pauperis* (ECF No. 1) and *pro se* complaint (ECF No. 1-1). Plaintiff had until
17 July 14, 2017, to file an objection. To date, no objection to the R&R has been filed.

18 This Court “may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
20 timely objects to a magistrate judge’s report and recommendation, then the court is
21 required to “make a *de novo* determination of those portions of the [report and
22 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party
23 fails to object, however, the court is not required to conduct “any review at all . . . of any
24 issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
25 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
26 magistrate judge’s report and recommendation where no objections have been filed.
27 See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the
28 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.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE