



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

9 In terms of Plaintiff’s complaint, the Magistrate Judge recommends allowing  
10 Plaintiff to proceed on his Fourth Amendment excessive force claim against the  
11 individual officers. The Magistrate Judge, however, recommends dismissing Plaintiff’s  
12 claim against the Reno Police Department (“RPD”) based on Plaintiff’s failure to allege a  
13 *Monell* claim against RPD with leave to amend. In his response, Plaintiff states that will  
14 proceed against the officers. The Court construes Plaintiff’s reponse as an  
15 acknowledgment that Plaintiff does not wish to amend his complaint to assert a *Monell*  
16 claim against RPD.

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

20 It is ordered that plaintiff’s application to proceed *in forma pauperis* (ECF No. 1)  
21 without having to prepay the full filing fee is granted. Plaintiff will be required to pay an  
22 initial parital filing fee in the amount of \$23.93. Thereafter, whenever his prison account  
23 eceeds \$10, he will be required to make monthly payments in the mount of twenty  
24 percent (20%) of the preceding month’s income credited to his account until the filing fee  
25 is paid.


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

27 It is further ordered that the plaintiff will be permitted to proceed with this Fourth  
28 Amendment excessive force claims against Defendants Good, Flickinger, and Leedy.

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It is further ordered that the claim against Reno Police Department is dismissed without prejudice.

DATED THIS 8<sup>th</sup> day of January 2018.

  
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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE