

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

* * *

PAUL LOUIS BELLUOMINI,

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

Case No. 3:17-cv-00415-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. 5) (“R&R”) relating to plaintiff’s *pro se* complaint (ECF No. 1-1). Plaintiff had until March 27, 2018, to file an objection. (ECF No. 5.) 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 recommendation to

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 The Magistrate Judge correctly observed that Plaintiff has not filed a completed
9 application to proceed in forma pauperis or paid the filing fee. (ECF No. 5 at 1-2.)
10 Nevertheless, the Magistrate Judge screened the complaint and recommended
11 dismissal with prejudice. Having reviewed the R&R and the filings in this case, the Court
12 agrees and will adopt the R&R. (*Id.* at 3.)

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


16 It is ordered that plaintiff’s application to proceed *in forma pauperis* (ECF No. 4) is
17 denied.

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

19 It is further ordered that the complaint (ECF No. 1-1) is dismissed with prejudice.

20 It is further ordered that the Clerk enter judgment and close this case.

21 DATED THIS 28th day of March 2018.

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