UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

GREGORY J. BENNETT,

Plaintiff,

v.

JOHN KEAST, *et al.,*

Defendant.

Case No. 3:17-cv-00525-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. 16) ("R&R" or "Recommendation") relating to Plaintiff's motion for preliminary injunction (ECF No. 6). The parties had until January 4, 2018, to object to the R&R. No objection 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

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

Nevertheless, this Court finds it appropriate to engage in a *de novo* review to determine whether to adopt Magistrate Judge Cobb's R&R. The Magistrate Judge recommended denying the motion for preliminary injunction because Plaintiff conceded that injunctive relief was no longer warranted. Upon reviewing the R&R and underlying briefs, this Court finds good cause to adopt the Magistrate Judge's Recommendation in full.

It is therefore ordered, adjudged and decreed that the Report and Recommendation of Magistrate Judge William G. Cobb (ECF No. 16) is accepted and adopted in its entirety and the motion for preliminary injunction (ECF No. 6) is denied.

DATED THIS 10th day of January 2018.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE