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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD WESTLEY REEVES.

Plaintiff,

٧.

DAN WATTS, et al.,

Defendant.

Case No. 3:17-cv-00562-MMD-CBC

ORDER ADOPTING AND ACCEPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE CARLA BALDWIN CARRY

Before the Court is the Report and Recommendation of United States Magistrate Judge Carla Baldwin Carry (ECF No. 33) ("R&R"), recommending granting Defendants' motion to dismiss (ECF No. 29). No objection to the R&R has been filed, and the time for doing so has expired.

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 Carry's R&R. Judge Carry recommends granting Defendants' motion to dismiss this case in its entirety because Plaintiff failed to appear at his own deposition, respond to properly served discovery requests, file a response to Defendants' motion to dismiss, or respond to two of the Court's orders (ECF Nos. 30, 32). (ECF No. 33.) Upon reviewing the R&R and records in this case, this Court finds good cause to adopt the Magistrate Judge's R&R in full.

It is therefore ordered, adjudged and decreed that the Report and Recommendation of Magistrate Judge Carla Baldwin Carry (ECF No. 33) is accepted and adopted in its entirety.

It is further ordered that Defendants' motion to dismiss (ECF No. 29) is granted.

It is further ordered this case is dismissed with prejudice.

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 30th day of April 2019.

MIRANDA M. DU

UNITED STATES DISTRICT JUDGE