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28UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARGARET-ILENE PULLEN,

Plaintiff,

v.

A. BIGGAR H PICKARD, *et al.*,

Defendants.

* * *

Case No. 3:18-cv-00015-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. 3) (“R&R”) relating to plaintiff’s application to proceed *in forma pauperis* (“IFP Application”) (ECF No. 1) and *pro se* complaint (ECF No. 1-1). Plaintiff filed her objection on February 13, 2018 (“Objection”). (ECF No. 4.)

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,

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

7 The Magistrate Judge recommends granting Plaintiff’s IFP Application. Plaintiff
8 does not object to this recommendation. Accordingly, the Court will accept the
9 recommendation.

10 The Magistrate Judge recommends dismissing the complaint with prejudice
11 because it appears that Plaintiff may be trying to appeal a decision issued by the
12 Nevada Supreme Court. (ECF No. 3.) Plaintiff’s objection is essentially a copy of the
13 document filed as the complaint in this case. (Compare ECF No. 1-1 with ECF No. 4.)
14 The Court agrees with the Magistrate Judge. To the extent Plaintiff wishes to appeal the
15 Nevada Supreme Court’s decision, her recourse is to file a petition for writ of certiorari
16 with the United States Supreme Court.

17 It is therefore ordered, adjudged and decreed that the Report and
18 Recommendation of Magistrate Judge William G. Cobb (ECF No. 3) 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.

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

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

24 The Clerk is directed to enter judgment in accordance with this Order and close
25 this case.

26 DATED THIS 1st day of March 2018.

27 
28 _____
MIRANDA M. DU
UNITED STATES DISTRICT JUDGE