

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

* * *

CRAIG OTIS GIBSON,

Plaintiff,

v.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 3:18-cv-00190-MMD-WGC

ORDER

Pro se Plaintiff Craig Otis Gibson brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 177), recommending the Court deny Plaintiff’s motion for a temporary restraining order and/or preliminary injunction primarily seeking his release from custody (ECF No. 129 (“Injunction Motion”)) as moot because he has been released from the custody of the Nevada Department of Corrections (“NDOC”). Plaintiff had until March 16, 2021 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will deny the Injunction Motion as moot.

The 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 fails to object to a magistrate judge’s recommendation, 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); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

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

Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because there is no objection, the Court need not conduct de novo review, and is satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends denying the Injunction Motion as moot because Plaintiff has been released from NDOC custody. (ECF No. 177 at 4.) The Court agrees with Judge Cobb. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

It is therefore ordered that Judge Cobb’s Report and Recommendation (ECF No. 177) is accepted and adopted in full.

It is further ordered that Plaintiff’s motion for temporary restraining order and/or preliminary injunction (ECF No. 129) is denied as moot.

DATED THIS 23rd Day of March 2021.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE