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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BENJAMIN W. ESPINOSA,

Case No. 3:18-cv-00298-MMD-CLB

Plaintiff

ORDER

v.

FILSON, *et al.*,

Defendants.

Plaintiff Benjamin W. Espinosa brings this civil rights case pursuant to 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Carla L. Baldwin, recommending that the Court grant Plaintiff’s motion to voluntarily dismiss his claims against Defendants Michelle Clay and Associate Warden T. Sandoval (“Motion”) (ECF No. 95). (ECF No. 98.) No objection has been filed. The Court will accept the R&R.

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 fails to object to a magistrate’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 (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 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”).


Judge Baldwin recommended granting the Motion because Defendants filed no opposition to the Motion and Plaintiff’s ground for the Motion is that he has found no

1 evidence to support his claims against Clay and Sandoval. (ECF No. 98 at 1.) The Court
2 agrees with the recommendation and thereby adopts the R&R in full.

3 It is therefore ordered, adjudged and decreed that the Report and
4 Recommendation of Magistrate Judge Carla L. Baldwin (ECF No. 98) is accepted and
5 adopted in full.

6 It is further ordered that Plaintiff Benjamin W. Espinosa's motion for voluntary
7 dismissal (ECF No. 95) is granted. The claims against Defendants Michelle Clay and
8 Associate Warden T. Sandoval are dismissed.

9 DATED THIS 31st day of January 2020.

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12 _____
13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE
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