

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSE GALLEGOS,

Plaintiff,

v.

CHUCK ALLEN, *et al.*,

Defendants.

Case No. 3:18-cv-00505-MMD-WGC

ORDER

Pro se Plaintiff Jose Gallegos 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. 78), recommending Defendant Sheriff Allen and Sheriff Balaam’s motion for summary judgment (ECF No. 72) be granted. Plaintiff had until January 1, 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 grant the motion for summary judgment.

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 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.”).

1 Because there is no objection, the Court need not conduct de novo review, and is
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends granting
3 Defendant's Sheriff Allen and Sheriff Balaam's motion for summary judgment as to
4 Plaintiff's Count III claims. (ECF No. 78 at 6.) The Court agrees with Judge Cobb. Having
5 reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

6 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.
7 78) is accepted and adopted in full.

8 It is further ordered that Defendants Sheriff Allen and Sheriff Balaam's motion for
9 summary judgment (ECF No. 72) as to Count III is granted.

10 DATED THIS 6th Day of January 2021.

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14 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE
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