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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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JOHN DAVID PAMPLIN,

Case No. 3:18-cv-00532-MMD-CLB

7

Plaintiff,

ORDER

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JUSTIN LIBBY,

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Defendant.

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12 *Pro se* Plaintiff John David Pamplin brings this action under 42 U.S.C. § 1983.
13 Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of
14 United States Magistrate Judge Carla L. Baldwin (ECF No. 33), recommending that the
15 Court grant Defendant Justin Libby’s motion for summary judgment (ECF No. 28) on
16 Plaintiff’s sole Religious Land Use and Institutionalized Persons Act (“RLUIPA”) claim.
17 Plaintiff had until September 30, 2020, to file an objection. (ECF No. 33 at 9.) To date, no
18 objection to the R&R has been filed. For this reason, and as explained below, the Court
19 adopts the R&R in its entirety.

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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

1 clear error on the face of the record in order to accept the recommendation.").

2 Because there is no objection, the Court need not conduct *de novo* review, and is
3 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends that the
4 Court grant Defendant's motion for summary judgment because the uncontested
5 evidence shows that Plaintiff failed to exhaust his available administrative remedies (ECF
6 No. 33 at 6-7), and that Defendant did not substantially burden Plaintiff's religious
7 exercise as Plaintiff was not denied access to a Bible (*Id.* at 9). The Court agrees with
8 Judge Baldwin. Having reviewed the R&R and the record in this case, the Court will adopt
9 the R&R in full.

10 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
11 No. 33) is accepted and adopted in full.

12 It is further ordered that Defendant's motion for summary judgment (ECF No. 28)
13 is granted.

14 It is further ordered that the Clerk of Court enter judgment in accordance with this
15 order and close this case.

16 DATED THIS 13th day of October 2020.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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