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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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WILLIAM FERGUSON,

Case No. 3:19-cv-00134-MMD-WGC

Plaintiff,

ORDER

v.

JUDGE,

Defendant.

Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 4), recommending that the Court grant Plaintiff’s in forma pauperis application (ECF No. 1), file the Complaint (ECF No. 1-1), and dismiss the action with prejudice for failure to state a claim. Plaintiff had until July 25, 2019, to file an objection. To date, no objection to the R&R has been filed.<sup>1</sup> For this reason, and as explained below, the Court adopts 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 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.” *Id.* 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

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<sup>1</sup>The copy of the Report and Recommendation sent to Plaintiff was returned as undeliverable (ECF No. 5), but Plaintiff has an ongoing obligation to apprise the Court of his address. LR IA 3-1 (“An attorney or pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.”).

1 Circuit has recognized that a district court is not required to review a magistrate judge's  
2 report and recommendation where no objections have been filed. See *United States v.*  
3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
4 employed by the district court when reviewing a report and recommendation to which no  
5 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
6 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
7 district courts are not required to review "any issue that is not the subject of an objection.").  
8 Thus, if there is no objection to a magistrate judge's recommendation, then the Court may  
9 accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at  
10 1226 (accepting, without review, a magistrate judge's recommendation to which no  
11 objection was filed).

12 While Plaintiff has failed to object to Judge Cobb's recommendation, the Court will  
13 conduct a de novo review to determine whether to adopt the R&R. Judge Cobb found that  
14 Plaintiff's Complaint—containing delusional scenarios and disjointed statements with no  
15 basis in law or fact—is frivolous. (ECF No. 4 at 4.) Having reviewed the R&R and the  
16 Complaint, the Court agrees with Judge Cobb.

17 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.  
18 4) is accepted and adopted in full.


19 It is further ordered that Plaintiff's application to proceed in forma pauperis (ECF  
20 No. 1) is granted.

21 It is further ordered that the Clerk of the Court file the Complaint (ECF No. 1-1).

22 It is further ordered that this action is dismissed with prejudice for failure to state a  
23 claim.

24 It is further ordered that the Clerk of the Court close this case.

25 DATED THIS 5<sup>th</sup> day of August 2019.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE