

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

* * *

JOE MOSLEY,

Plaintiff,

v.

SEDGWICK CLAIMS MANAGEMENT
SERVICES, *et al.*,

Defendants.

Case No. 3:20-cv-00021-MMD-CLB

ORDER

Plaintiff Joe Mosley attempts to sue Defendants Sedgwick Claims Management Service and Aritha Parsons. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 3), recommending that the Court grant Plaintiff’s *in forma pauperis* application (“IFP Application”), but dismiss this case, because Plaintiff’s pleading does not satisfy the requirements of Federal Rule of Civil Procedure 8(a)(2). Plaintiff had until May 15, 2020 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 dismiss this case.

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); *see also U.S. v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no

1 objections were made); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing
2 that the court “need only satisfy itself that there is no clear error on the face of the record
3 in order to accept the recommendation”).

4 While Plaintiff has failed to object to Judge Baldwin’s recommendation to grant
5 Plaintiff’s IFP application but dismiss this case, the Court will conduct a *de novo* review
6 to determine whether to adopt the R&R. Judge Baldwin first recommended Plaintiff’s IFP
7 Application be granted because the information he submitted indicated he cannot pay the
8 filing fee. (ECF No. 3 at 2.) Judge Baldwin then recommended Plaintiff’s case be
9 dismissed under Rule 8(a)(2) because he did not file a complaint, but rather a series of
10 confusing documents consisting exclusively of “largely incomprehensible narrative [that]
11 makes it nearly impossible for the court to identify the factual or legal basis for his claims
12 or the nature of his requested relief.” (*Id.* at 4.) She further recommends dismissing the
13 case with prejudice because amendment would be futile. (*Id.*) Having reviewed the R&R
14 and the Complaint, the Court agrees with Judge Baldwin.

15 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
16 No. 3) is accepted and adopted in full.

17 It is further ordered that Plaintiff’s application to proceed *in forma pauperis* (ECF
18 No. 1) is granted.

19 The Clerk of Court is directed to file the Complaint (ECF No. 1-1).

20 It is further ordered that the Complaint (ECF No. 1-1) is dismissed with prejudice,
21 as amendment would be futile.

22 The Clerk of Court is further directed to enter judgment in accordance with this
23 order and close this case.

24 DATED THIS 22nd day of May 2020.



25
26 MIRANDA M. DU
27 CHIEF UNITED STATES DISTRICT JUDGE