

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CLARENCE D. JOHNSON, JR.,

Case No. 3:21-cv-00076-MMD-WGC

ORDER

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ANGELA BYERS, *et al.*,

defendants.

11 Pro se Plaintiff Clarence D. Johnson, Jr. brings this action under 42 U.S.C. § 1983.
12 Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of
13 United States Magistrate Judge William G. Cobb (ECF No. 6), recommending Johnson’s
14 application to proceed *in forma pauperis* be denied, dismissing the action with prejudice
15 and denying the remaining motions (ECF Nos. 1-2, 1-4, 1-5, 4, 5) as moot. Johnson had
16 until April 12, 2021 to file an objection. To date, no objection to the R&R has been filed.
17 For this reason, and as explained below, the Court adopts the R&R, and will deny
18 Johnson’s application to proceed *in forma pauperis*, dismiss this action with prejudice,
19 and deny the remaining pending motions.

20 The Court “may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
22 fails to object to a magistrate judge’s recommendation, the Court is not required to
23 conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas*
24 *v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,
25 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
26 recommendations is required if, but *only* if, one or both parties file objections to the
27 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

1 Committee Notes (1983) (providing that the Court "need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation.").

3 Because there is no objection, the Court need not conduct de novo review, and is
4 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends the application
5 to proceed *in forma pauperis* be denied because Johnson submitted the incorrect form
6 and it was not signed. (ECF No. 6 at 3.) Judge Cobb also recommends the action be
7 dismissed with prejudice because there is no legal basis for any claim asserted and the
8 documents are nonsensical and frivolous, with the other pending motions denied as moot.
9 (*Id.*) The Court agrees with Judge Cobb. Having reviewed the R&R and the record in this
10 case, the Court will adopt the R&R in full.

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

13 It is further ordered that Johnson's application to proceed *in forma pauperis* (ECF
14 No. 3) is denied.

15 It is further ordered that the action is dismissed with prejudice.

16 It is further ordered that the remaining pending motions (ECF Nos. 1-2, 1-4, 1-5,
17 4, 5) are denied as moot.

18 The Clerk of Court is directed to enter judgment accordingly and close the case.

19 DATED THIS 27th Day of April 2021.

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23 MIRANDA M. DU
24 CHIEF UNITED STATES DISTRICT JUDGE
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