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## UNITED STATES DISTRICT COURT

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## DISTRICT OF NEVADA

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COLEMAN JEFFERSON VAOGA,

Case No. 3:21-cv-00377-MMD-CLB

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Plaintiff,

ORDER

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v.

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STATE OF CALIFORNIA, *et al.*,

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Defendants.

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*Pro se* Plaintiff Coleman Vaoga submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1.) Before the Court is the Report and Recommendation of United States Magistrate Judge Carla L. Baldwin (ECF No. 10 (“R&R”)), recommending that Vaoga’s application to proceed *in forma pauperis* (ECF No. 6) be granted, his complaint (ECF No. 1-1) be dismissed with prejudice, and that this action be closed, and judgment entered accordingly. Vaoga had until January 3, 2022, 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 in full and will close this case.

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

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1 Because there is no objection, the Court need not conduct *de novo* review, and is  
2 satisfied that Judge Baldwin did not clearly err. Here, Judge Baldwin recommends that  
3 Vaoga's application to proceed *in forma pauperis* be granted as he cannot pay the filing  
4 fee. (ECF No. 10 at 1-2.) Judge Baldwin further recommends Vaoga's complaint be  
5 dismissed with prejudice as he has failed to state a claim upon which relief may be  
6 granted and amendment would be futile. (*Id.* at 3-4.) The Court agrees with Judge  
7 Baldwin. Having reviewed the R&R and the record in this case, the Court will adopt the  
8 R&R in full.

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


11 It is further ordered that Plaintiff Coleman Vaoga's application to proceed *in forma*  
12 *pauperis* (ECF No. 6) is granted.

13 The Clerk of Court is directed to file Vaoga's complaint (ECF No. 1-1).

14 It is further ordered that Vaoga's complaint (ECF No. 1-1) is dismissed with  
15 prejudice.

16 The Clerk of Court is further directed to enter judgment accordingly and close this  
17 case.

18 DATED THIS 10<sup>th</sup> Day of January 2022.

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23 MIRANDA M. DU  
24 CHIEF UNITED STATES DISTRICT JUDGE  
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