UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JASMINE PAUL SANCHEZ, Plaintiff, v. R. SAUCEDO, *et al.*, Defendants.	Case No. 3:22-cv-00141-ART-CLB ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 35) AND GRANTING MOTION FOR SUMMARY JUDGMENT (ECF NO. 28)

Pro se Plaintiff Jasmine Paul Sanchez, an inmate at Ely State Prison, brings this action under 42 U.S.C. § 1983 against Defendants, William Reubart and Ricardo Saucedo, alleging excessive force and unsafe prison conditions. Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Carla Baldwin (ECF No. 35), recommending the Court grant Defendants' motion for summary judgment. Mr. Sanchez originally had until August 29, 2023, to file an objection to Judge Baldwin's R&R and was given several months' worth of extensions. (*See* ECF Nos. 35 at 11; 37; 44.) As of today, no objection has been filed. For this reason, and as explained below, the Court adopts the R&R and grants Defendants' motion for summary judgment.

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.").

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Baldwin did not clearly err. Judge Baldwin recommends summary judgment in favor of Defendants because there is no genuine issue of material fact as to whether Mr. Sanchez was subject to excessive force or unsafe prison conditions. Mr. Sanchez has provided the Court with no evidence to support his claims, has not contested Defendants' motion, and has not objected to Judge Baldwin's R&R. Further, the evidence provided by Defendants demonstrates that the instances of which Mr. Sanchez complains do not constitute excessive force or unsafe prison conditions, as a matter of law.

Having reviewed the R&R and the record in this case, the Court is satisfied that Judge Baldwin did not clearly err and adopts the R&R in full.

It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF No. 35) is accepted and adopted in full.

It is further ordered that Defendants' Motion for Summary Judgment (ECF No. 28) is granted.

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

Dated this 26th day of March 2024.

ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE