

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PERRY A. HOOD,

Plaintiff,

Case No. 3:23-cv-00486-MMD-CLB

ORDER

V.

JOHN J. FRIEL, *et al.*,

Defendants.

11 Pro se Plaintiff Perry A. Hood, who is an inmate in the custody of the Nevada
12 Department of Corrections, brings this action under 42 U.S.C. § 1983. Before the Court
13 is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L.
14 Baldwin (ECF No. 4), recommending that the Court dismiss Hood’s complaint.¹ Nunn had
15 until November 1, 2023, to file an objection. To date, no objection to the R&R has been
16 filed. For this reason, and as explained below, the Court adopts the R&R in full and
17 dismisses this action without prejudice.

18 Because there is no objection, the Court need not conduct de novo review and is
19 satisfied Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d
20 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
21 recommendations is required if, but *only* if, one or both parties file objections to the
22 findings and recommendations.”) (emphasis in original). Here, Judge Baldwin
23 recommends dismissing the three claims asserted in the complaint. (ECF No. 4.) In
24 particular, Judge Baldwin recommends dismissing without prejudice and without leave to
25 amend Claims 1 and 2 because Hood appears to be challenging the constitutionality of
26 his state court criminal conviction but he has not alleged that his conviction has been

27 1While the R&R contains an error in reference to Plaintiff's name in the first
28 sentence, the R&R correctly references Plaintiff's name elsewhere and recites the
allegations in Plaintiff's complaint (ECF No. 1-1).

1 overturned. (*Id.* at 3-4.) Judge Baldwin recommends dismissing with prejudice Claim 3
2 involving excessive bail against Defendant Deputy District Attorney John J. Friel because
3 Friel would be entitled to absolute immunity for his bail recommendations before the
4 presiding judicial officer. (*Id.* at 4-6.) Having reviewed the R&R and the record in this
5 case, the Court will adopt the R&R in full.

6 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
7 No. 4) is accepted and adopted in full.

8 The Clerk of Court is further directed to file the complaint (ECF No. 1-1).

9 It is further ordered that the complaint is dismissed. Claims 1 and 2 are dismissed
10 without prejudice and without leave to amend. Claim 3 is dismissed with prejudice.

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

13 DATED THIS 15th Day of November 2023.



14
15
16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28