

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PERRY A. HOOD,

Plaintiff,

v.

JOHN J. FRIEL, *et al.*,

Defendants.

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

ORDER

Pro se Plaintiff Perry A. Hood, who is an inmate in the custody of the Nevada Department of Corrections, brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 4), recommending that the Court dismiss Hood’s complaint.¹ Nunn had until November 1, 2023, 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 dismisses this action without prejudice.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Baldwin did not clearly err. *See 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). Here, Judge Baldwin recommends dismissing the three claims asserted in the complaint. (ECF No. 4.) In particular, Judge Baldwin recommends dismissing without prejudice and without leave to amend Claims 1 and 2 because Hood appears to be challenging the constitutionality of his state court criminal conviction but he has not alleged that his conviction has been

¹While the R&R contains an error in reference to Plaintiff’s name in the first 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