

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JAMES A. BOYD,

9 Plaintiff,

10 v.

11 BRENT CARNEY, et al.,

12 Defendants.

CASE NO. C11-5782BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 31) and
15 Plaintiff James A. Boyd’s (“Boyd”) objections to the R&R (Dkt. 33). The Court has
16 considered the R&R, Boyd’s objections, and the remaining record, and hereby adopts the
17 R&R for the reasons stated herein.

18 On November 21, 2011, Boyd filed his civil rights complaint alleging violations
19 by Defendants of 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc, *et seq.* (2000 ed.)
20 (“RLUIPA”). Dkt. 5. On August 1, 2012, Judge Strombom issued the R&R
21 recommending that Boyd’s motion for summary judgment be denied and Defendants’
22

1 cross-motion for summary judgment be granted. Dkt. 31. On August 16, 2012, Boyd
2 filed objections to the R&R. Dkt. 33.

3 In the R&R, Judge Strombom recommends granting Defendants' motion on
4 Boyd's RLUIPA claims because Defendants cannot be held liable under the statute for
5 monetary damages in their official or individual capacity and any request for injunctive
6 relief is moot as Boyd has been placed back on the diet he was requesting. Dkt. 31.
7 Judge Strombom also recommends granting Defendants' motion for summary judgment
8 on Boyd's § 1983 claims because he failed to present evidence to support his claims as
9 discussed in the R&R. *Id.* In his objections, Boyd fails to make any specific objection to
10 Judge Strombom's findings and states that he relies on the previous briefing on the
11 parties' motions for summary judgment. Dkt. 33.

12 A general objection to the entirety of a magistrate's report, without specifying a
13 single issue of contention, "has the same effects as would a failure to object." *Howard v.*
14 *Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991). The court
15 in *Howard* explained further, that when no specific objection is made,

16 [t]he district court's attention is not focused on any specific issues for
17 review, thereby making the initial reference to the magistrate useless. The
18 functions of the district court are effectively duplicated as both the
19 magistrate and the district court perform identical tasks. This duplication of
20 time and effort wastes judicial resources rather than saving them, and runs
21 contrary to the purposes of the Magistrates Act. We would hardly
22 countenance an appellant's brief simply objecting to the district court's
determination without explaining the source of the error. We should not
permit appellants to do the same to the district court reviewing the
magistrate's report.

Id. (citing *Thomas v. Arn*, 474 U.S. 140, 148 (1985)).

1 Here, Boyd's objection to the entirety of Judge Strombom's R&R and instruction
2 to the Court to review the previous briefing does not constitute a specific objection.
3 *Howard*, 932 F.2d at 509. Accordingly, the Court adopts the R&R.

4 The Court having considered the R&R, Boyd's objections, and the remaining
5 record, does hereby find and order as follows:

- 6 (1) The R&R is **ADOPTED**; and
7 (2) This action is **DISMISSED with prejudice**.

8 Dated this 15th day of October, 2012.

9
10 

11

BENJAMIN H. SETTLE
United States District Judge