

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SANDRA B. TODDLE,

Plaintiff,

v.

U.S. DEPARTMENT OF TRASURY, et al.,

Defendants.

Case No. 2:13-cv-00809-MMD-CWH

ORDER ACCEPTING REPORT AND
RECOMMENDATION

Before the Court is Magistrate Judge Carl W. Hoffman's Report and Recommendation ("R&R") (dkt. no. 3), regarding Plaintiff Sandra Toodle's Complaint and application to proceed *in forma pauperis*. (Dkt. no. 1.) Ms. Toodle has not filed an objection.


This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, 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). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no

1 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
2 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
3 district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
9 order to determine whether to adopt the R&R. Judge Hoffman entered an Order on May
10 9, 2013, which informed Ms. Toodle that her application for *in forma pauperis* status was
11 incomplete. (Dkt. no. 2.) The Order directed Ms. Toodle to file a new application by June
12 10, 2013, or pay the filing fee. (*Id.*) As Ms. Toodle did not file a new application or pay
13 the filing fee by the deadline, the R&R recommends that Ms. Toodle's application be
14 denied with prejudice and this action dismissed for failure to pay the filing fee. Upon
15 review of the record in this case, the Court agrees and finds good cause to adopt the
16 R&R in full.

17 It is hereby ordered that the R&R (dkt. no. 3), is accepted and adopted in full. Ms.
18 Toodle's application to proceed *in forma pauperis* (dkt. no. 1) is denied with prejudice
19 and this action is dismissed.

20 DATED THIS 27th day of November 2013.

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24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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