

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Oriel Shaked v. Westgate Las Vegas Resort, LLC

Shaked · No. 2:25-cv-02225-CDS-DJA · Decided December 4, 2025

SUMMARY

The United States District Court for the District of Nevada adopts the magistrate judge’s report and recommendation concerning Oriel Shaked’s application to proceed in forma pauperis. The court denies the application because Shaked did not sufficiently establish indigence and orders him to pay the \$405 filing fee. The court also requires Shaked to refile his complaint with a signature and updated contact information by December 18, 2025, warning that failure to comply will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Cristina D. Silva
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 4, 2025
DOCKET	2:25-cv-02225-CDS-DJA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff commenced a civil action with an application to proceed in forma pauperis. After the magistrate judge recommended denial of the application and correction of the unsigned complaint, the district court adopted the report and recommendation, denied IFP status, and ordered plaintiff to pay the filing fee and refile a signed complaint.
STANDARD OF REVIEW	No review of the magistrate judge's report and recommendation was required because no objections were filed; the district court nevertheless conducted an independent review.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Oriel Shaked v. Westgate Las Vegas Resort, LLC

TOPICS

pleadings

civil procedure

PRACTICE AREAS

Federal civil procedure

In forma pauperis proceedings

Pleadings and filing requirements

QUESTIONS PRESENTED

1. Whether Shaked established that he was unable to pay the filing fee so as to qualify for in forma pauperis status under 28 U.S.C. § 1915(a)(1).
2. Whether the court should strike or require correction of Shaked's unsigned complaint under Federal Rule of Civil Procedure 11(a).
3. What review was required of the magistrate judge's report and recommendation when no objections were filed.

HOLDINGS

1. No review of the report and recommendation was required because Shaked filed no objections by the deadline; the district court nevertheless conducted an independent review.
2. Shaked did not sufficiently establish indigence and was required to pay the \$405 civil filing fee.
3. The court declined to strike the complaint immediately but required Shaked, if he intended to proceed, to refile it with his signature and current contact information.

KEY QUOTATIONS

“no review is required of a magistrate judge’s report and recommendation unless objections are filed.” (1)

“The court may authorize the commencement of an action without prepayment of fees and costs by a person who submits an affidavit showing that the person is “unable to pay such fees.”” (2)

FACTUAL BACKGROUND

Oriel Shaked filed a civil complaint against Westgate Las Vegas Resort, LLC and sought leave to proceed without prepaying the filing fee. His IFP application contained inconsistencies and reported \$600 in average monthly spending on recreation and entertainment, which the court found demonstrated an ability to pay the filing fee. His complaint and IFP application were unsigned, and an advisory letter was returned as undeliverable, indicating that he had not updated his address.

PROCEDURAL HISTORY

Shaked filed a complaint and an application to proceed in forma pauperis. Magistrate Judge Daniel J. Albregts issued a report and recommendation finding the IFP application incomplete and contradictory, concluding that Shaked could pay the filing fee, and noting that the complaint was unsigned. No objections were filed by the deadline. The district court independently reviewed the matter, adopted the report and recommendation in its entirety, denied the IFP application, and ordered Shaked to pay the \$405 filing fee and refile a signed complaint with updated contact information by December 18, 2025.

DISPOSITION

CASES CITED

- Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

OPINION

Shaked

PER CURIAM.

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2 UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

3 4 Oriel Shaked, Case No. 2:25-cv-02225-CDS-DJA 5 Plaintiff Order Adopting the Magistrate
Judge's Report and Recommendation 6 v. 7 Westgate Las Vegas Resort, LLC, [ECF Nos. 1, 4] 8
Defendant 9 10 Plaintiff Oriel Shaked commenced this civil action against the Westgate Las Vegas
11 Resort, LLC, by filing an application to proceed in forma pauperis (IFP) alongside his
complaint. 12 ECF Nos. 1, 1-1. United States Magistrate Judge Daniel J. Albregts reviewed
Shaked's IFP 13 application and complaint. In turn, Judge Albregts issued a report and
recommendation (R&R) 14 finding Shaked's IFP application "incomplete, contains certain
contradictions, and ultimately 15 demonstrates that he is able to pay the filing fee." R&R, ECF
No. 4. He therefore recommends 16 that I deny Shaked's IFP application and order Shaked to pay
the \$405 civil filing fee. Id. at 2. 17 Judge Albregts also found Shaked's complaint is not signed.
Id. Thus, he further recommends that 18 I order Shaked to sign his complaint in order to proceed
with this lawsuit. Id. 19 Shaked had until November 28, 2025, to file any objections to the
magistrate judge's 20 R&R. Id. at 2–3 (citing Local Rule IB 3-2(a) (stating that parties wishing to
object to the findings 21 and recommendations must file specific written objections within
fourteen days)); see also 28 22 U.S.C. § 636(b)(1)(C) (same). That deadline passed, and no
objection is filed. The law is clear that 23 "no review is required of a magistrate judge's report and
recommendation unless objections are 24 filed." Schmidt v. Johnstone, 263 F. Supp. 2d 1219,
1226 (D. Ariz. 2003); see also Thomas v. Arn, 474 U.S. 25 140, 150 (1985); United States v.
Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). 26 1 Although de novo review is not required, I
nonetheless conduct an independent review 2 here. Under 28 U.S.C. § 1914(a), a filing fee is
required to commence a civil action in federal court. 3 However, the court may authorize the
commencement of an action without prepayment of fees 4 and costs by a person who submits an
affidavit showing that the person is "unable to pay such 5 fees." 28 U.S.C. § 1915(a)(1). Here,
Shaked submitted the required application to proceed without 6 prepaying fees or costs.1 ECF No.

1. A review of that application reveals that there are 7 inconsistencies. More notably, the amount Shaked spends on monthly recreation and 8 entertainment shows that he can pay the filing fee and costs. Id. at 4 (showing \$600.00 as the 9 average monthly spent on recreation, entertainment, newspapers, magazines, etc.). Accordingly, 10 Shaked has not sufficiently proven indigence and must pay the requisite filing fees. 11 Under Rule 11(a) of the Federal Rules of Civil Procedure, “[e]very pleading, written 12 motion, and other paper must be signed by at least one attorney of record in the attorney’s 13 name—or by a party personally if the party is unrepresented.” Further, “[t]he court must strike an 14 unsigned paper unless the omission is promptly corrected after being called to the party’s 15 attention.” Id. Here, Shaked failed to sign the complaint. Even so, I decline to strike it at this time 16 because it is unclear whether Shaked received the magistrate judge’s R&R containing a 17 notification of the missing signature. The court’s advisory letter was returned by the U.S. Postal 18 Service as undeliverable—attempted not known. ECF No. 5. This means that Shaked also failed to 19 update his address in accordance with Local Rule IA 3-1 (requiring parties to immediately file a 20 written notification of any change of mailing address). Nonetheless, if Shaked intends to proceed 21 with this lawsuit, then he must re-file his complaint to include his signature, current address, e- 22 mail address, and telephone number pursuant to Fed. R. Civ. P. 11(a) by December 18, 2025. 23 24 25 26 1 Shaked IFP application is unsigned and therefore does not qualify as the “affidavit” required by 28 U.S.C. § 1915(a)(1). 1 Conclusion 2 IT IS HEREBY ORDERED that the magistrate judge’s report and recommendation [ECF 3|| No. 4] is accepted and adopted in its entirety. 4 IT IS FURTHER ORDERED that Shaked’s application to proceed in forma pauperis [ECF 5||No. 1] is denied. Shaked must pay the \$405 civil filing fee and refile his complaint—with his 6 || signature—by December 18, 2025. Shaked is warned that if he fails to pay the filing fee, and fails 7 ||to timely submit a signed complaint, I will dismiss his complaint without prejudice and without 8 || further notice. 9 Dated: December 4, 2025 /, / 10 Vy u Cristing/D. Silva U ited States District Judge 2 13 14 15 16 17 18 19 20 21 22 23 24 25 26