

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PRECEDENTIAL VALUE	nonprecedential district court order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

other

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)

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