

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

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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 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—attempts 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