

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Richie Accime v. Cares Campus, et al.

Accime · No. 3:25-cv-00701-MMD-CLB · Decided January 5, 2026

SUMMARY

The United States District Court for the District of Nevada adopts a magistrate judge’s Report and Recommendation in Richie Accime’s pro se action against Cares Campus and other defendants. The court grants Accime’s application to proceed in forma pauperis but dismisses the complaint with prejudice for vagueness and failure to state a claim, including because 18 U.S.C. § 241 does not provide a private right of action. The court directs the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 5, 2026
DOCKET	3:25-cv-00701-MMD-CLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff applied to proceed in forma pauperis and filed a complaint alleging discrimination and violations of federally protected rights. The matter was referred to a magistrate judge, whose Report and Recommendation recommended granting in forma pauperis status, dismissing the complaint with prejudice, and closing the case. With no objections filed, the district court adopted the Report and Recommendation.
STANDARD OF REVIEW	Because no objections were filed to the Report and Recommendation, the court reviewed for clear error rather than conducting de novo review.
PRECEDENTIAL VALUE	unpublished
PARTIES	Richie Accime v. Cares Campus, Kelly "night supervisor", Breanna, Allied Security Night Supervisor

TOPICS

- motions to dismiss
- pleadings
- civil rights
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

federal courts

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation without conducting de novo review when no objections were filed.
2. Whether the complaint was sufficiently pleaded to state a claim for relief.
3. Whether 18 U.S.C. § 241 provides a private right of action.
4. Whether leave to amend should be granted.

HOLDINGS

1. When no party objects to a magistrate judge's findings and recommendations, the district court need not conduct de novo review and may review the recommendation for clear error.
2. The complaint failed to state a claim because it was largely incomprehensible and did not adequately identify the factual or legal basis of the claims, the harm suffered, the connection between the alleged harm and a cause of action, or each defendant's involvement.
3. 18 U.S.C. § 241 does not provide a private right of action because it is a federal criminal statute.
4. Leave to amend was inappropriate because the defects identified by the court could not be cured by amendment.

KEY QUOTATIONS

"De novo review of the magistrate judges' findings and recommendations is required if, but only if, one or both parties file objections to the findings and recommendations." (at 1)

"The Court agrees that, even construing these allegations together and liberally, the Complaint is largely incomprehensible, making it impossible for the Court to identify the factual or legal basis of Accime's claims." (at 2)

FACTUAL BACKGROUND

Accime alleged that, while he was in the lobby of the main building, he had a right to consume bottled drinks and was immediately given a "sit [indecipherable]" without warning. He characterized the incident as discrimination and a deprivation of federally protected rights, naming Cares Campus and several individuals as defendants. The complaint did not clearly identify the harm, the legal basis for relief, or how each defendant was involved.

PROCEDURAL HISTORY

Accime filed an application to proceed in forma pauperis and a complaint against the defendants. Magistrate Judge Carla L. Baldwin recommended granting the application and dismissing the complaint with prejudice for vagueness and failure to state a claim. No objections were filed, and the district court adopted the Report and

Recommendation in full, granted in forma pauperis status, dismissed the complaint with prejudice, directed entry of judgment, and closed the case.

DISPOSITION

dismissed

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1116 (9th Cir. 2003)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 * * * 6 RICHIE
ACCIME, Case No. 3:25-cv-00701-MMD-CLB 7 Plaintiff, ORDER v. 8 CARES CAMPUS, et
al., 9 Defendants. 10 11 Pro se Plaintiff Richie Accime filed an application to proceed in forma
pauperis 12 (“IFP”) (ECF No. 1) and sues Defendants Cares Campus, Kelly “night supervisor,” 13
Breanna, and Allied Security Night Supervisor for alleged discrimination and violations of 14 his
federally protected rights.

(ECF No. 1-1 (“Complaint”).) Before the Court is the Report 15 and Recommendation (“R&R”)
of United States Magistrate Judge Carla L. Baldwin (ECF 16 No. 3), recommending that the Court
grant the IFP application (ECF No. 1), dismiss the 17 Complaint with prejudice, and close this
case. (ECF No. 3 at 5.)

To date, no objections to 18 the R&R have been filed. Because there is no objection, and, as
further explained below, 19 the Court adopts the R&R in full. 20 Because there is no objection, the
Court need not conduct de novo review and is 21 satisfied that Judge Baldwin did not clearly err.
See United States v. Reyna-Tapia, 328 22 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the
magistrate judges’ findings and 23 recommendations is required if, but only if, one or both parties
file objections to the 24 findings and recommendations.” (emphasis in original)).

Judge Baldwin first recommends 25 the Court grant the IFP application (ECF No. 1) because
Accime is unable to make an 26 initial installment payment towards the full filing fee under 28
U.S.C. § 1915. (ECF No. 3 27 at 1-2.) 28 /// 1 Judge Baldwin then screens Accime’s Complaint.
(Id. at 2-3.)

In raising allegations 2 of discrimination and “deprivation of rights” under 18 U.S.C. § 241,
Accime asserts that 3 Defendants violated his federally protected rights based on the following: 4
While he was “in the lobby of the main building,” he “had a right to consume bottled drinks,” and
without warning “and immediately” he was given a “sit 5 [indecipherable].” (ECF No. 1-1 at 4.)

6 Judge Baldwin recommends dismissal of the Complaint (ECF No. 1-1) with 7 prejudice because
it is vague and fails to state a legal claim upon which relief can be 8 granted.1 (ECF No. 3 at 4.)
Even construing Accime’s allegations liberally, his conclusory 9 statements do not give rise to any
federal constitutional or statutory right. (Id.) 10 The Court agrees that, even construing these
allegations together and liberally, 11 the Complaint is largely incomprehensible, making it
impossible for the Court to identify 12 the factual or legal basis of Accime’s claims.

It is unclear precisely what harm occurred, 13 how that harm connects to a cause of action, how
each alleged defendant was involved, 14 and how relief may be granted on Accime’s claims.
Moreover, to the extent Accime is 15 attempting to assert a claim against Defendants for a
“deprivation of rights” under 18 16 U.S.C. § 241, the Court agrees that such a claim is not
cognizable because § 241 is a 17 federal criminal statute without a private right of action.

18 Judge Baldwin is therefore correct in her determination that Accime fails to state a 19 claim
upon which relief may be granted, so this action must be dismissed with prejudice. 20 Leave to
amend is inappropriate here because the issues identified by the Court cannot 21 be cured by
amendment. See *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). 22 Accordingly, having
reviewed the R&R, Judge Baldwin did not clearly err.

23 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF 24 No. 3) is
accepted and adopted in full. 25 26 27 1A court may dismiss a plaintiff’s complaint for “failure to
state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6). A properly pled complaint
must provide “a 28 short and plain statement of the claim showing that the pleader is entitled to
relief.” Id. at 1 It is further ordered that Accime’s application to proceed IFP (ECF No. 1) is 2 ||
granted.

3 It is further othered that the Clerk of Court file the Complaint (ECF No. 1-1). 4 It is further
ordered that Accime’s Complaint (ECF No. 1-1) is dismissed with 5 || prejudice. 6 The Clerk of
Court is directed to enter judgment in accordance with this Order and 7 || close this case. 8
DATED THIS 5" Day of January 2026. 9 11 □□□□□□□□□□□□□□□□□□□□□□□□ 1 UNITED
STATES DISTRICT JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28