

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Brit F. Augborne v. Metro Police Officer Connor Malone, et al.

Augborne · No. 2:24-cv-00769-GMN-BNW · Decided November 24, 2025

SUMMARY

The United States District Court for the District of Nevada adopted a magistrate judge’s Report and Recommendation because no objections were filed by the deadline. The court dismissed the action for the plaintiff’s failure to file an amended complaint and directed the Clerk of Court to close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Gloria M. Navarro
JURISDICTION	United States District Court for the District of Nevada
DECIDED	November 24, 2025
DOCKET	2:24-cv-00769-GMN-BNW
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court considered a magistrate judge's report and recommendation recommending dismissal after Plaintiff failed to file an amended complaint by the court-ordered deadline.
STANDARD OF REVIEW	When objections are filed to a magistrate judge's report and recommendation concerning matters that may not be finally determined by the magistrate judge, the district court conducts a de novo review of the objected-to portions. When no objections are filed, the district court is not required to conduct any review of issues not subject to objection.
PRECEDENTIAL VALUE	unpublished

TOPICS

- pleadings
- civil procedure
- civil rights

PRACTICE AREAS

- Civil procedure
- Civil rights

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's report and recommendation despite the absence of objections.
2. Whether the action should be dismissed for Plaintiff's failure to file an amended complaint by the court-ordered deadline.

HOLDINGS

1. When no party objects to a magistrate judge's report and recommendation, the district court is not required to conduct review of issues that are not the subject of an objection.
2. Dismissal of the action was warranted because Plaintiff failed to file an amended complaint by the court-ordered deadline.

KEY QUOTATIONS

“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.”” (at 1)

“IT IS FURTHER ORDERED that this case is DISMISSED for failure to file an amended complaint by the court-ordered deadline.” (at 2)

FACTUAL BACKGROUND

Plaintiff was required by court order to file an amended complaint by a specified deadline. Plaintiff did not file the amended complaint by that deadline, and did not file objections to the magistrate judge's report and recommendation recommending dismissal. The district court therefore adopted the recommendation and dismissed the action.

PROCEDURAL HISTORY

Magistrate Judge Brenda Weksler issued a report and recommendation recommending dismissal for Plaintiff's failure to file an amended complaint by the court-ordered deadline. No objections were filed by the October 29, 2025 deadline. The district court adopted the report and recommendation in full, dismissed the action, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1122 (9th Cir. 2003)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 BRIT F. AUGBORNE, 4
Plaintiff, Case No.: 2:24-cv-00769-GMN-BNW 5 vs. 6 ORDER ADOPTING REPORT AND
METRO POLICE OFFICER CONNOR RECOMMENDATION 7 MALONE, et al., 8 Defendants.
9 Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 28), 10 of
United States Magistrate Judge Brenda Weksler, which recommends that this action be 11
dismissed for Plaintiff’s failure to file an amended complaint by the court-ordered deadline.

12 A party may file specific written objections to the findings and recommendations of a 13 United
States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); 14 D. Nev.
R. IB 3-2. Upon the filing of such objections, the Court must make a de novo 15 determination of
those portions to which objections are made if the Magistrate Judge’s findings 16 and
recommendations concern matters that may not be finally determined by a magistrate 17 judge.

D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the 18 findings
or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. 19 IB 3-
2(b). Where a party fails to object, however, the Court is not required to conduct “any 20 review at
all... of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 21 140, 149
(1985) (citing 28 U.S.C. § 636(b)(1)).

Indeed, the Ninth Circuit has recognized that a 22 district court is not required to review a
magistrate judge’s R&R where no objections have been 23 filed. See, e.g., *United States v. Reyna-
Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003). 24 Here, no objections were filed, and the deadline to
do so has passed. (See R&R, ECF 25 No. 28) (setting a October 29, 2025, deadline for objections).

Accordingly, the Court adopts the 1 in full. 2 Accordingly, 3 IT IS HEREBY ORDERED that the
Report and Recommendation, (ECF No. 28), is 4 |} ACCEPTED and ADOPTED in full. 5 IT IS
FURTHER ORDERED that this case is DISMISSED for failure to file an 6 || amended complaint
by the court-ordered deadline. 7 The Clerk of Court is kindly directed to close this case.

8 Dated this _24 day of November, 2025.: i, □ Gloria M. Naar, District Judge I United States
District Court 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 2 of 2