

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Paul Scott Klein v. State of Nevada, et al.

No. 3:23-cv-387-ART-CSD, United States District Court for the District of Nevada (December 1, 2025)

SUMMARY

The United States District Court for the District of Nevada adopted a magistrate judge’s Report and Recommendation concerning Paul Scott Klein’s motion for a temporary restraining order or preliminary injunction. The court denied the motion without prejudice after Klein failed to object and because the motion did not satisfy the requirements for preliminary injunctive relief.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Anne R. Traum
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 1, 2025
DOCKET	3:23-cv-387-ART-CSD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a temporary restraining order or preliminary injunction in a 42 U.S.C. § 1983 action. The magistrate judge recommended denying the motion. After Plaintiff failed to object by the extended deadline, the district court adopted the report and recommendation and denied the motion without prejudice.
STANDARD OF REVIEW	When no party objects to a magistrate judge's report and recommendation on a dispositive issue, the district court is not required to review the magistrate judge's conclusions and may adopt the recommendation.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Paul Scott Klein v. State of Nevada, et al.

TOPICS

- injunctions
- prisoners rights
- section 1983
- cruel and unusual punishment
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court was required to review the magistrate judge's report and recommendation when Plaintiff failed to object after receiving an extension of time.
2. Whether Plaintiff was entitled to a temporary restraining order or preliminary injunction under the four-factor test for preliminary relief.

HOLDINGS

1. Because Plaintiff did not object to the magistrate judge's report and recommendation, the district court was not required to review the magistrate judge's conclusions and adopted the report and recommendation in full.
2. Plaintiff's motion for a temporary restraining order or preliminary injunction was denied without prejudice because it did not satisfy the requirements for preliminary relief, including a likelihood of success on the merits, irreparable harm, a favorable balance of equities, and consistency with the public interest.

KEY QUOTATIONS

"Because Plaintiff has not objected, the Court conducts no review of Judge Denney's R&R and adopts it in full." (1)

"Because this motion is denied without prejudice, Plaintiff is not precluded from filing another motion for preliminary injunction with more specific facts." (1)

FACTUAL BACKGROUND

Plaintiff alleged that, while incarcerated at Northern Nevada Correctional Center, he was exposed to extreme heat and cold, dust, allergens, mold, and other air-quality problems. He claimed these conditions violated his Eighth Amendment rights and sought emergency injunctive relief. The record identified multiple deficiencies in the motion, including failure to clearly specify the requested relief and failure to establish the elements required for preliminary relief.

PROCEDURAL HISTORY

Paul Scott Klein filed a § 1983 action alleging that conditions at Northern Nevada Correctional Center violated his Eighth Amendment rights. He filed an emergency motion for a temporary restraining order or preliminary injunction. Magistrate Judge Denney recommended denial, Plaintiff obtained an extension of time to object, and Plaintiff filed no objection. The district court therefore adopted the report and recommendation in full and denied the motion without prejudice.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 6 PAUL SCOTT
KLEIN, Case No. 3:23-cv-387-ART-CSD 7 Plaintiff, vs. ORDER ADOPTING REPORT 8 AND
RECOMMENDATION OF STATE OF NEVADA, et al., MAGISTRATE JUDGE 9 (ECF No. 35)
Defendants. 10 11 Plaintiff Paul Scott Klein brings this action under 42 U.S.C. § 1983, alleging 12
that while at Northern Nevada Correctional Center (“NNCC”), he was exposed to 13 extreme heat
and cold, as well as dust, allergens, mold, and other air quality 14 issues in violation of his Eighth
Amendment rights.

(ECF Nos. 3, 3-1, 17, 17-1). 15 Mr. Klein subsequently filed an emergency motion for a temporary
restraining 16 order or preliminary injunction. (ECF Nos. 20 and 21.)1 Magistrate Judge Denney
17 issued a Report and Recommendation (“R&R”) recommending denial of Mr. 18 Klein’s motion
for preliminary injunction. (ECF No. 35.) Mr. Klein moved for an 19 extension of time to object to
Judge Denney’s R&R (ECF No. 38), and was granted 20 an extension until October 31, 2025.

(ECF No. 39.) The deadline has now passed, 21 and Mr. Klein has not submitted an objection. 22
Magistrate judges are empowered to issue reports and recommendations 23 on dispositive issues,
which district judges may “accept, reject, or modify, in 24 whole or in part.” 28 U.S.C. § 636(b)(1)
(C). Where, as here, neither party objects 25 to a magistrate judge’s recommendation, the district
court is not required to 26 perform any review of that judge’s conclusions.

See Thomas v. Arn, 474 U.S. 140, 27 1 While these documents are identical, they were docketed
separately to reflect 28 the two forms of relief sought. 1 |} 150 (1985). Because Plaintiff has not
objected, the Court conducts no review of 2 || Judge Denney’s R&R and adopts it in full. 3 Judge
Denney recommends denial of Mr. Franklin’s motion for preliminary 4 || injunction on several
grounds, including that: it is not clear what relief Plaintiff 5 || is seeking, Plaintiff has not
demonstrated a likelihood of success on the merits, 6 || Plaintiff has not adequately demonstrated
irreparable harm, Plaintiff has not 7 || shown that the balance of equities tips in his favor, and
Plaintiff has not shown 8 || that preliminary relief is in the public interest.

(ECF No. 35.) In short, Mr. 9 || Franklin’s motion has not satisfied the four-factor test for issuance
of Temporary 10 || Restraining Orders and preliminary injunctions identified in Winter v. Natural
11 || Resources Defense Council, Inc. 555 U.S. 7, 20 (2008). 12 Because this motion is denied
without prejudice, Plaintiff is not precluded 13 || from filing another motion for preliminary
injunction with more specific facts.

14 It is therefore ordered that Judge Denney's Report and Recommendation 15 || (ECF No. 35) is
ADOPTED. 16 It is further ordered that Plaintiffs motion for a temporary restraining order 17 || or
preliminary injunction (ECF Nos. 20, 21) is DENIED WITHOUT PREJUDICE. 18 Dated this 1st
day of December, 2025. 19 20 Aras plod Td 21 ANNER TRAUM 29 UNITED STATES
DISTRICT JUDGE 23 24 25 26 27 28