

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)

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