

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Luis Enrique Ramos Perez v. Evolet's Painting Service LLC, et al.

Perez · No. CV-25-01886-PHX-SMM (ASB) · Decided April 20, 2026

SUMMARY

The United States District Court for the District of Arizona adopts a magistrate judge’s Report and Recommendation concerning the plaintiff’s motion for attorneys’ fees and costs. The court denies the motion without prejudice, grants leave to refile, and sets May 15, 2026, as the deadline for an amended motion.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Stephen M. McNamee
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 20, 2026
DOCKET	CV-25-01886-PHX-SMM (ASB)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending denial, with leave to amend, of Plaintiff's motion for attorneys' fees and costs. No party filed objections.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), the court may accept, reject, or modify a magistrate judge's findings or recommendations. When no objections are filed, the court is relieved of conducting de novo review of the magistrate judge's factual findings, and objections to those findings are waived on appeal.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.

TOPICS

- attorney fees
- costs
- civil procedure

PRACTICE AREAS

- civil procedure
- attorneys' fees and costs

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no party filed objections.
2. Whether Plaintiff's motion for attorneys' fees and costs should be denied without prejudice with leave to refile.

HOLDINGS

1. When no party objects to a magistrate judge's Report and Recommendation, the district court may adopt the recommendation without conducting de novo review of the magistrate judge's factual findings.
2. Plaintiff's motion for attorneys' fees and costs is denied without prejudice, and Plaintiff is granted leave to file an amended motion pursuant to LRCiv 54.2.

FACTUAL BACKGROUND

The plaintiff sought an award of attorneys' fees and costs against all defendants. The magistrate judge recommended denying the motion with leave to amend. No party filed objections to the Report and Recommendation.

PROCEDURAL HISTORY

The matter was assigned to Magistrate Judge Alison S. Bachus, who issued a Report and Recommendation on April 1, 2026. The R&R recommended denying Plaintiff's motion for attorneys' fees and costs with leave to amend. Because not all parties had consented to magistrate-judge jurisdiction, the matter was reviewed by the district court under 28 U.S.C. § 636(b)(1)(C) and General Order 21-25. With no objections filed, the district court adopted the R&R, denied the motion without prejudice, and granted leave to refile by May 15, 2026.

DISPOSITION

other

CASES CITED

- Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)

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