

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.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)

OPINION

1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Luis Enrique Ramos Perez, NO. CV-25-01886-PHX-SMM (ASB) 10 Plaintiff, ORDER 11 v. 12 Evolet's Painting Service LLC, et al., 13 Defendants. 14 15 This matter was assigned to Magistrate Judge Alison S. Bachus. (Doc. 6).

On April 16 1, 2026, the Magistrate Judge filed a Report and Recommendation (“R&R”) with this 17 Court.1 (Doc. 18). The Magistrate Judge recommends that this Court denies Plaintiff’s 18

Motion for Award of Attorneys' Fees and Costs Against All Defendants (Doc. 16) with 19 leave to amend.

To date, no objections have been filed. 20 1 This case is assigned to a Magistrate Judge. However, not all parties have consented to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant 21 to General Order 21-25, which states in relevant part: 22 When a United States Magistrate Judge to whom a civil action has been assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be 23 appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1) due to incomplete status of election by the parties to consent or not consent 24 to the full authority of the Magistrate Judge, 25 IT IS ORDERED that the Magistrate Judge will prepare a Report and Recommendation for the Chief United States District Judge or designee.

26 IT IS FURTHER ORDERED designating the following District Court 27 Judges to review and, if deemed suitable, to sign the order of dismissal on my behalf: 28 Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee 1 STANDARD OF REVIEW 2 The Court "may accept, reject, or modify, in whole or in part, the findings or || recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C); see □□□□□□ □□□ 4] Sullivan, 923 F.2d 1391, 1394 (9th Cir.

1991). Parties have fourteen days from the service 5|| of a copy of the Magistrate's recommendation within which to file specific written 6|| objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a 7|| Magistrate Judge's recommendation relieves the Court of conducting de novo review of 8 || the Magistrate Judge's factual findings and waives all objections to those findings on 9|| appeal.

See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a || Magistrate Judge's conclusion "is a factor to be weighed in considering the propriety of 11 || finding waiver of an issue on appeal." Id. 12 DISCUSSION? 13 Having reviewed the R&R of the Magistrate Judge, and no Objections having been || made by any party thereto, the Court hereby incorporates and adopts the R&R.

15 CONCLUSION 16 Accordingly, 17 IT IS ORDERED adopting the Report and Recommendation of the Magistrate || Judge denying Plaintiff's Motion for Attorneys' Fees and Costs. (Doc. 18). 19 IT IS FURTHER ORDERED denying Plaintiff's Motion for Attorneys' Fees and || Costs without prejudice and granting leave to re-file. (Doc. 16). 21 IT IS FURTHER ORDERED that Plaintiff may file an amended motion for attorneys' fees and costs on or before May 15, 2026 pursuant to LRCiv 54.2.

23 Dated this 20th day of April, 2026. oe 25 Stephen M. McNamee 6 Senior United States District Judge 27 || 2 The factual and procedural history of this case is set forth in the Magistrate Judge's Report and Recommendation (Doc. 18). -2-

