

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Enricque Franco v. Dax Lopez, et al.

Franco · No. 2:24-cv-02261-RFB-BNW · Decided January 7, 2026

SUMMARY

The United States District Court for the District of Nevada adopted a magistrate judge’s Report and Recommendation after no objections were filed. The court dismissed Claims 1, 2, 6, and 9 with prejudice; dismissed Claim 8 as improperly joined while allowing it to be brought in a separate action; and dismissed Claims 3, 4, 5, and 7 without prejudice with leave to amend.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 7, 2026
DOCKET	2:24-cv-02261-RFB-BNW
DISPOSITION	other
PROCEDURAL POSTURE	District court review and adoption of a magistrate judge's Report and Recommendation in a prisoner civil-rights action.
STANDARD OF REVIEW	When specific objections are filed, the district court must make a de novo determination of the portions of the magistrate judge's report to which objection is made. When no objections are filed, the district court is not required to conduct de novo or any other review.
PRECEDENTIAL VALUE	unknown
PARTIES	Enricque Franco v. Dax Lopez, et al.

TOPICS

- joinder
- pleadings
- motion to amend
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- civil procedure

QUESTIONS PRESENTED

1. What level of review was required when no party objected to the magistrate judge's Report and Recommendation?
2. Whether the magistrate judge's recommended dispositions of the asserted claims should be adopted.
3. Whether Claim 8 should be dismissed as improperly joined and whether the plaintiff should be permitted to bring it in a separate action.

HOLDINGS

1. Because no objections were filed, the district court was not required to conduct de novo or any other review of the Report and Recommendation, and the court nevertheless reviewed the record and concurred with the magistrate judge's recommendation.
2. Claims 1, 2, 6, and 9 were dismissed with prejudice.
3. Claim 8 was dismissed as improperly joined, and the plaintiff was granted leave to assert the claim in a separate action.
4. Claims 3, 4, 5, and 7 were dismissed without prejudice with leave to amend.

KEY QUOTATIONS

“Where a party fails to object, however, a district court is not required to conduct “any review,” de novo or otherwise, of the report and recommendations of a magistrate judge.” (at 1)

FACTUAL BACKGROUND

The opinion concerns a prisoner civil-rights complaint asserting at least nine claims against the defendants. The magistrate judge recommended disposition of the claims, including dismissal of some claims with prejudice, dismissal of one claim as improperly joined, and dismissal of others without prejudice with leave to amend. The district court adopted that recommendation after receiving no objections.

PROCEDURAL HISTORY

Magistrate Judge Brenda Weksler entered a Report and Recommendation on September 29, 2025. The parties' objections were due October 10, 2025, but none were filed. The district court reviewed the record, concurred with the recommendation, adopted it in full, dismissed Claims 1, 2, 6, and 9 with prejudice, dismissed Claim 8 as improperly joined with leave to bring it in a separate action, and dismissed Claims 3, 4, 5, and 7 without prejudice with leave to amend.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149 (1985)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 * * * 7 ENRICQUE
FRANCO, Case No. 2:24-cv-02261-RFB-BNW 8 Plaintiff, ORDER 9 v. 10 DAX LOPEZ, et al.,
11 Defendants. 12 13 14 Before the Court for consideration is the Report and Recommendation
(ECF No. 8) of the 15 Honorable Brenda Weksler, United States Magistrate Judge, entered on
September 29, 2025.

A 16 district court “may accept, reject, or modify, in whole or in part, the findings or
recommendations 17 made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific
written objections to the 18 findings and recommendations of a magistrate judge. 28 U.S.C. §
636(b)(1); Local Rule IB 3-2(a). 19 When written objections have been filed, the district court is
required to “make a de novo 20 determination of those portions of the report or specified proposed
findings or recommendations 21 to which objection is made.” 28 U.S.C. § 636(b)(1); see also
Local Rule IB 3-2(b).

Where a party 22 fails to object, however, a district court is not required to conduct “any review,”
de novo or 23 otherwise, of the report and recommendations of a magistrate judge. *Thomas v. Arn*,
474 U.S. 140, 24 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due by October
10, 2025. No 25 objections have been filed.

The Court has reviewed the record in this case and concurs with the 26 Magistrate Judge’s
recommendation in the Report and Recommendation. 27 /// 28 ///] IT IS THEREFORE
ORDERED that the Report and Recommendation (ECF No. 8) is ACCEPTED and ADOPTED in
full. 3 IT IS FURTHER ORDERED that the following claims be DISMISSED with prejudice: 4|
Claims 1, 2, 6, and 9.

5 IT IS FURTHER ORDERED that Claim 8 is DISMISSED as improperly joined. Plaintiff
granted leave to file this claim in a separate suit should he choose to do so. 7 IT IS FURTHER
ORDERED that the following claims are DISMISSED without 8 | prejudice and with leave to
amend: Claims 3, 4, 5, and 7. 9 10 DATED: January 7, 2026. 12 RICHARD F. BOULWARE, II 13
UNITED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -2-