

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Daryoush Javaheri v. United States of America

Javaheri · No. 2:24-cv-00860-GMN-EJY · Decided December 16, 2025

SUMMARY

The United States District Court for the District of Nevada adopted a magistrate judge’s Report and Recommendation recommending dismissal of Plaintiff Daryoush Javaheri’s Third Amended Complaint. The court dismissed the complaint without prejudice and without leave to file further documents, denied the motion to transfer as moot, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Gloria M. Navarro
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 16, 2025
DOCKET	2:24-cv-00860-GMN-EJY
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of Plaintiff's Third Amended Complaint without prejudice and without leave to file further documents. Plaintiff objected and separately moved to transfer the case to California.
STANDARD OF REVIEW	De novo review of portions of a magistrate judge's Report and Recommendation to which specific objections are made under 28 U.S.C. § 636(b)(1)(B) and D. Nev. R. IB 3-2(b); no review is required of issues to which no objection is made.
PRECEDENTIAL VALUE	unpublished
PARTIES	Daryoush Javaheri v. United States of America

TOPICS

- personal jurisdiction
- venue
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss the Third Amended Complaint for failure to establish personal jurisdiction.
2. Whether the case should be transferred to California.
3. Whether the district court was required to review portions of the Report and Recommendation to which Plaintiff did not specifically object.

HOLDINGS

1. The district court adopted the Report and Recommendation and dismissed the Third Amended Complaint without prejudice and without leave to file further documents because Plaintiff failed to establish personal jurisdiction over the defendants.
2. When a party does not object to a portion of a magistrate judge's Report and Recommendation, the district court is not required to conduct any review of that unobjected-to issue.
3. The motion to transfer the case to California was denied as moot.

KEY QUOTATIONS

“Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge.” (at 1)

“Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.”” (at 1)

FACTUAL BACKGROUND

Plaintiff's Third Amended Complaint alleged events and wrongdoing occurring in California. Plaintiff acknowledged that the relevant events occurred in California and requested transfer there based on jurisdictional facts. He did not establish that the District of Nevada had personal jurisdiction over the defendants.

PROCEDURAL HISTORY

Magistrate Judge Elayna J. Youchah recommended dismissal because Plaintiff failed to establish personal jurisdiction over the defendants. Plaintiff objected, appearing to challenge only the recommendation that the matter be closed, and requested transfer to California. The district court adopted the Report and Recommendation in full, dismissed the Third Amended Complaint without prejudice and without leave to file further documents, denied the transfer motion as moot, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1122 (9th Cir. 2003)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 DARYOUSH JAVAHERI,
4 Plaintiff, Case No.: 2:24-cv-00860-GMN-EJY 5 vs. 6 ORDER ADOPTING UNITED STATES
OF AMERICA, REPORT AND RECOMMENDATION 7 Defendant. 8 9 Pending before the
Court is the Report and Recommendation (“R&R”), (ECF No. 23), 10 from United States
Magistrate Judge Elayna J. Youchah, which recommends that Plaintiff’s 11 Third Amended
Complaint be dismissed without prejudice, but without leave to file further 12 documents in this
matter.

Plaintiff filed an Objection, (ECF No. 24). 13 A party may file specific written objections to the
findings and recommendations of a 14 United States Magistrate Judge made pursuant to Local
Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); 15 D. Nev. R. IB 3-2. Upon the filing of such objections,
the Court must make a de novo 16 determination of those portions to which objections are made if
the Magistrate Judge’s findings 17 and recommendations concern matters that may not be finally
determined by a magistrate 18 judge.

D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the 19 findings
or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. 20 IB 3-
2(b). Where a party fails to object, however, the Court is not required to conduct “any 21 review at
all... of any issue that is not the subject of an objection.” Thomas v. Arn, 474 U.S. 22 140, 149
(1985) (citing 28 U.S.C. § 636(b)(1)).

Indeed, the Ninth Circuit has recognized that a 23 district court is not required to review a
magistrate judge’s R&R where no objections have been 24 filed. See, e.g., United States v. Reyna-
Tapia, 328 F.3d 1114, 1122 (9th Cir. 2003). 25 Here, Judge Youchah recommends dismissal
because Plaintiff fails to meet his burden of 1 || establishing that the Court has personal jurisdiction
over Defendants.

Plaintiff seems to agree 2 || with Judge Youchah that the entirety of events described, and
wrongdoing alleged occurred in 3 || California because he requests that the Court transfer venue to
California “because of 4 || jurisdictional facts.” (See Obj. at 4, ECF No. 24). Plaintiff therefore
only seems to object to 5 || Judge Youchah’s recommendation that the matter be closed.

But Plaintiff fails to meet his 6 || burden of establishing the need to transfer this case to another
venue. 7 Accordingly, 8 IT IS HEREBY ORDERED that the Report and Recommendation, (ECF
No. 23), is 9 || ACCEPTED and ADOPTED in full. 10 IT IS FURTHER ORDERED that Plaintiff’s

Third Amended Complaint is 11 || DISMISSED without prejudice, and without leave to file further documents in this matter.

12 IT IS FURTHER ORDERED that Plaintiff's Motion to Transfer Case, (ECF No. 25), 13 DENIED as MOOT. 14 The Clerk of Court is kindly directed to close the case. 15 Dated this 16 day of December, 2025. 16 Yj, 17 iy / Gloria M. Fayarro, District Judge 18 United States' District Court 19 20 21 22 23 24 25 Page 2 of 2