

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.

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