

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

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