



Vidal et al v. Herndon et al

2022 | Cited 0 times | D. Nevada | January 28, 2022

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

*** RANCISCO VIDAL, SANDRA SCHARAS, BRITTANY PAUGH,

Plaintiffs, v. DOUGLAS HERNDON, MARY KAY HULTHUS, CYNTHIA SOUCHAK, BENJAMIN NADIG, STEVE SISOLAK, SHERIFF JOE LOMBARDOSTATE FACILITIES,

Defendants.

Case No. 2:20-cv-00442-RFB-EJY

ORDER

Before the Court for consideration is the Report and Recommendation [ECF No. 9] of the Honorable Elayna J. Youchah, United States Magistrate Judge, entered November 5, 2021. A district 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). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). 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. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due

by November 19, 2021. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge’s recommendations.

IT IS THEREFORE ORDERED that the Report and Recommendation [ECF No. 9] is ACCEPTED and ADOPTED in full.

IT IS FURTHER ORDERED that Plaintiff’s claims is DISMISSED with prejudice for failure to state a claim upon which relief can be granted as he cannot seek relief on behalf of others and his claims are



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barred by Heck v. Humphry rendering amendment futile

DATED: January 14, 2022. _____ RICHARD F. BOULWARE, II United
States District Judge

