

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 10 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ARNOLD ANDERSON,

Plaintiff - Appellant,

v.

CHRISTIAN PASTUNA; et al.,

Defendants - Appellees.

No. 20-16209

D.C. No. 2:19-cv-02098-RFB-DJA  
U.S. District Court for Nevada, Las  
Vegas

**ORDER**

A review of the docket demonstrates that appellant has failed to respond to the January 8, 2021 order of this court.

Pursuant to Ninth Circuit Rule 42-1, this appeal is dismissed for failure to prosecute.

This order served on the district court shall, 21 days after the date of the order, act as the mandate of this court.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Tina S. Price  
Deputy Clerk  
Ninth Circuit Rule 27-7

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

Arnold Anderson,

Plaintiff,

v.

Pastuna, *et al.*,

Defendants.

Case No. 2:19-cv-02098-RFB-DJA

**ORDER**

Before the Court for consideration is the Report and Recommendation [ECF No. 18] of the Honorable Daniel J. Albregts, United States Magistrate Judge, entered April 27, 2020.

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 May 11, 2020. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge’s recommendations.

...

1           **IT IS THEREFORE ORDERED** that the Report and Recommendation [ECF No. 18] is  
2 ACCEPTED and ADOPTED in full.

3           **IT IS FURTHER ORDERED** that this case is DISMISSED without prejudice.

4           The Court Clerk is directed to mail a copy of this order to Plaintiff.

5           DATED: May 28, 2020.

6  
7             
8           \_\_\_\_\_  
9           **RICHARD F. HOULWARE, II**  
10           **United States District Judge**

1  
2  
3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5 \* \* \*

6 ARNOLD ANDERSON,

7 Plaintiff,

8 v.

9 CHRISTIAN PASTUNA, ET AL.,

10 Defendants.

Case No. 2:19-cv-02098-RFB-DJA

11 **REPORT AND RECOMMENDATION**

12 The Court previously granted Defendant's request for screening of the complaint pursuant  
13 to 28 U.S.C. § 1915. (ECF No. 4). It dismissed his original complaint without prejudice for  
14 failure to state a claim on March 26, 2019 and granted him leave to amend by April 16, 2019. *Id.*  
15 The Court stated, "**Failure to comply with this Order may result in the Court recommending**  
16 **that this action be dismissed.**" *Id.* To date, the Court has not received an amended complaint or  
17 any request to extend the April 16, 2020 deadline for filing one.

18 **RECOMMENDATION**

19 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
20 prejudice.

21 **NOTICE**

22 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
23 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The  
24 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
25 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142  
26 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file  
27 objections within the specified time and (2) failure to properly address and brief the objectionable  
28 issues waives the right to appeal the District Court's order and/or appeal factual issues from the

1 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED: April 27, 2020



4  
5 DANIEL J. ALBRECHTS  
UNITED STATES MAGISTRATE JUDGE

**United States District Court****District of Nevada****Notice of Electronic Filing**

The following transaction was entered on 3/31/2021 at 7:05 PM PDT and filed on 3/31/2021

**Case Name:** Anderson v. Pastuna et al

**Case Number:** 2:19-cv-02098-RFB-DJA

**Filer:**

**WARNING: CASE CLOSED on 05/29/2020**

**Document Number:** 38

**Docket Text:**

**ORDER that Plaintiff's Motion to Amend (ECF No. 21) is DENIED. All other motions are DENIED as moot as the Court finds its' order on the Motion to Amend to be dispositive of all outstanding issues in this closed case. Signed by Judge Richard F. Boulware, II on 3/31/2021.**

**(no image attached) (Copies have been distributed pursuant to the NEF - BEL)**

**2:19-cv-02098-RFB-DJA Notice has been electronically mailed to:**

Robert W Freeman, Jr robert.freeman@lewisbrisbois.com, keltic73@msn.com,  
kristen.freeman@lewisbrisbois.com

Ethan Matthew Freeman matt.freeman@lewisbrisbois.com

**2:19-cv-02098-RFB-DJA Notice has been delivered by other means to:**

Arnold Anderson  
#85509  
Southern Desert Correctional Center  
P.O. Box 208  
Indian Springs, NV 89070

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1101333072 [Date=3/31/2021] [FileNumber=10170184-0] [67e9000da89a63b58a355178609a224141d29b422407a6d385f412c6274c8640c5b3a611d3f6d5c65a1a2ddaaa5062e8c0a9e0f8b12d93bb56c989120e7e875a]]