

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID B. TURNER,
Plaintiff,
v.
GEORGE BAILEY DETENTION
CENTER, et al.,
Defendants.

Case No.: 13CV2090 BEN (JLB)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

[Docket Nos. 51, 52, 69]

Plaintiff David B. Turner, proceeding pro se, brought this action under 42 U.S.C. § 1983. The case proceeded as to two claims against two Defendants, James Madsen and Jill Farris. Motions for summary judgment were filed by Plaintiff and Defendants. (Docket Nos. 51, 52.) Defendants filed an Opposition to Plaintiff's Motion and a Reply in support of their Motion. (Docket Nos. 55, 61.) Plaintiff filed a Reply in support of his own Motion. (Docket No. 60.)

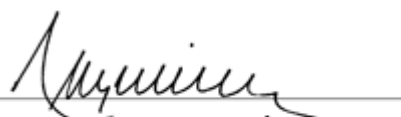
On October 23, 2015, Magistrate Judge Jill L. Burkhardt issued a thoughtful and thorough Report and Recommendation recommending this Court deny Plaintiff's Motion for Summary Judgment and grant Defendants' Motion for Summary Judgment. (Docket No. 69.) Any objections to the Report and Recommendation were due November 13, 2015. (*Id.*) No objections have been filed. For the reasons that follow, the Report and Recommendation is **ADOPTED**.

1 A district judge “may accept, reject, or modify the recommended disposition” of a
 2 magistrate judge on a dispositive matter. Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C.
 3 § 636(b)(1). “[T]he district judge must determine de novo any part of the [report and
 4 recommendation] that has been properly objected to.” Fed. R. Civ. P. 72(b)(3).
 5 However, “[t]he statute makes it clear that the district judge must review the magistrate
 6 judge’s findings and recommendations de novo *if objection is made*, but not otherwise.”
 7 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also*
 8 *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005). “Neither the Constitution nor
 9 the statute requires a district judge to review, de novo, findings and recommendations
 10 that the parties themselves accept as correct.” *Reyna-Tapia*, 328 F.3d at 1121.

11 The Court need not conduct a de novo review given the absence of objections.
 12 However, the Court has conducted a de novo review and fully **ADOPTS** the Report and
 13 Recommendation. Plaintiff’s Motion for Summary Judgment is **DENIED** and
 14 Defendants’ Motion for Summary Judgment is **GRANTED**. The Clerk shall close the
 15 file.

16 **IT IS SO ORDERED.**

17
 18 Dated: November 23, 2015


 Hon. Roger T. Benitez
 United States District Judge