UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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AMA MULTIMEDIA, LLC, Plaintiff(s), v. BORJAN SOLUTIONS, S.L. d/b/a SERVIPORNO, et al., Defendant(s).	Case No. 2:15-CV-1673 JCM (GWF) ORDER

Presently before the court are the report and recommendation of Magistrate Judge Foley. (Doc. # 21). No objections have been filed, and the time for doing so has passed.

This matter arises from defendants Borjan Solutions, S.L. d/b/a Serviporno and Borjan Mera Urrestarazu's alleged copyright infringement of plaintiff AMA Multimedia's copyrighted works. Plaintiff is a producer and distributer of adult-oriented films. Defendant Borjan Solutions owns and operates websites. Plaintiff alleges that those websites were used to distribute its copyrighted works without permission. (*See* doc. # 9 at ¶ 1–3).

The parties in this matter are all parties to a settlement agreement which resulted from a prior lawsuit between defendants and SSC Group, LLC, plaintiff's predecessor-in-interest. The settlement agreement includes an arbitration provision. (*See* doc. # 9 at ¶ 20.1). Relying on that provision, plaintiff filed a motion to compel arbitration, which is the subject of Judge Foley's report and recommendation.

This 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). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

James C. Mahan
U.S. District Judge

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna–Tapia* as adopting the view that district courts are not required to review "any issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's recommendation, then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to which no objection was filed).

Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds that good cause appears to adopt the magistrate judge's findings and recommendation in full.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and recommendation of Magistrate Judge Foley (doc. # 21) be, and the same hereby are, ADOPTED in their entirety.

IT IS FURTHER ORDERED that plaintiff AMA Multimedia, LLC's motion to compel arbitration (doc. # 10) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that this matter be, and the same hereby is, STAYED pending resolution of the arbitration.

IT IS FURTHER ORDERED that the Honorable Philip M. Pro be selected to arbitrate the matter.

DATED April 14, 2016.

James C. Mahan

UNITED STATES DISTRICT JUDGE

James C. Mahan
U.S. District Judge