IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA, Plaintiff, v. JASON J. JAYAVARMAN, Defendant.	Case No. 3:13-cr-00097-SLG

ORDER ON MOTION TO DISMISS

Before the Court at Docket 85 is a Motion to Dismiss filed by Defendant. The motion seeks to dismiss Count II of the Superceding Indictment. The Government filed a Response in Opposition to the motion at Docket 96.

The Magistrate Judge issued an Initial Report and Recommendation on the motion on November 5, 2014. No objections were filed to the Initial Report. A Final Report and Recommendation ("Report") on the motion was issued on November 24, 2014 at Docket 99.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." A court must "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." But "[n]either the Constitution nor the statute requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct."[1] Additionally, "[i]t does not appear that Congress intended to require

[1] *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."[2] Here, no objections were filed. Based on this Court's review of the parties' filings, as well as the Magistrate Judge's thoughtful decision, this Court fully concurs in the Magistrate Judge's analysis and recommendation.

The Final Report and Recommendation Regarding Defendant's Motion to Dismiss at Docket 99 is accepted in its entirety, and the Motion to Dismiss at Docket 85 is DENIED.

Dated this 2nd day of December, 2014, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

[2] *Thomas v. Arn*, 474 U.S. 140, 150 (1985).