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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Luis Arnoldo Gonzalez-Pena,)	No. CV 04-3023-PHX-DGC
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Unknown Lopez, et al.,)	
)	
Defendants,)	
_____)	

Pending before the Court is Magistrate Judge Aspey’s Report and Recommendation as to Plaintiff’s Accelerated Motion to Reopen Case (Docs. 24-25). The Magistrate Judge recommended that Plaintiff’s motion be denied as futile. Plaintiff did not object to the Magistrate Judge’s recommendation.

Because the parties did not file objections, the Court need not review any of the Magistrate Judge’s determinations on dispositive matters. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); United States v. Reyna-Tapia, 328 F.3d 1114, 112 (9th Cir. 2003); Thomas v. Arn, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the Magistrate Judge’s ruling on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A party may serve and file objections to the order within 14 days after being served with a copy [of the magistrate’s order]. A party may not assign as error a defect in the order not timely objected to.”); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174 (9th Cir. 1996); Philipps v. GMC, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

1 Notwithstanding the absence of an objection, the Court has reviewed the R&R and
2 finds that it is well taken because this action was dismissed nearly five years ago and there
3 is no legally cognizable reason to reopen this case.

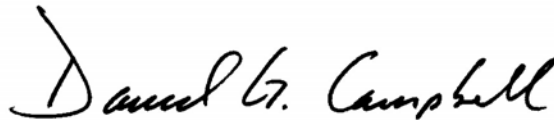
4 **IT IS THEREFORE ORDERED:**

5 (1) The Report and Recommendation of the Magistrate Judge (Doc. 25) is **accepted**.

6 (2) Plaintiff's Accelerated Motion to Reopen Case (Doc. 24) is **denied**.

7 (3) This case must remain closed.

8 DATED this 20th day of March, 2012.

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13 David G. Campbell
14 United States District Judge
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