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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Robert Lee Jennings, )

No. CV 07-0212-PHX-JAT

10 Plaintiff, )

**ORDER**

11 vs. )

12 Arizona Department of Corrections; et al., )

13 Defendants. )

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16 On January 11, 2008, the Magistrate Judge issued a Report and Recommendation  
17 (“R&R”) (Doc. #33) recommending that Defendant Brand be dismissed because Plaintiff  
18 failed to timely serve said Defendant.

19 No party has filed objections to the R&R. Accordingly, the Court hereby accepts the  
20 R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not  
21 required to conduct “any review at all . . . of any issue that is not the subject of an objection”  
22 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en*  
23 *banc*) (“statute makes it clear that the district judge must review the magistrate judge’s  
24 findings and recommendations de novo if objection is made, but not otherwise” (emphasis  
25 in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

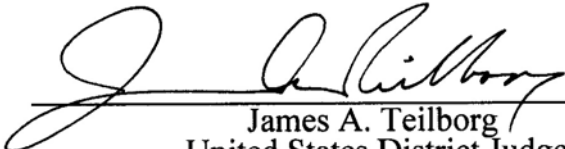
26 Accordingly,

27 **IT IS ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc.  
28 #33) is **ACCEPTED**; and

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**IT IS FURTHER ORDERED** that Defendant Brand is dismissed, without prejudice,  
for failure to serve.

DATED this 6<sup>th</sup> day of February, 2008.

  
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James A. Teilborg  
United States District Judge