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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Ernie Pete Ortega,  
Plaintiff,  
vs.  
Dora B. Schriro, et al.  
Defendants.

No. CV 07-2451-PHX-MHM

**ORDER**

Plaintiff filed his Motion to Request Leave for 3<sup>rd</sup> Amended Complaint on October 4, 2010 (Doc. 141). On October 8, 2010, Defendants filed a response to the motion (Doc. 143) and Plaintiff filed his reply on October 27, 2010 (Doc. 146). On November 17, 2010, the Magistrate Judge issued her Report and Recommendation recommending that the Plaintiff's motion be denied.

In her Report and Recommendation the Magistrate Judge advised the parties that they had 14 days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has long since expired and no objections to the Report and Recommendation have been filed. Failure to timely file objections to any factual or legal determination of the Magistrate Judge

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1 may be considered a waiver of a party's right to *de novo* consideration of the issues. *See*  
2 *United States v. Reyna-Tapia* 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*).

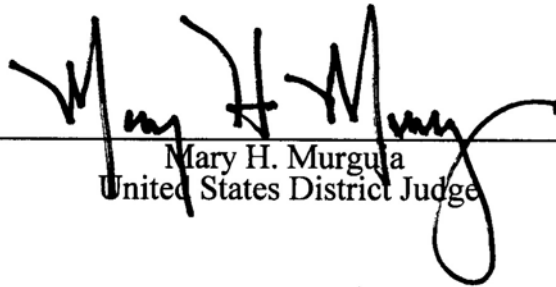
3 After a complete and independent review of the issues presented, the Court finds itself  
4 in agreement with the Report and Recommendation of the Magistrate Judge.

5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge  
6 as the order of this Court (Doc. 152).

7 IT IS FURTHER ORDERED denying Plaintiff's Motion to Request Leave for 3<sup>rd</sup>  
8 Amended Complaint (Doc.141).

9 DATED this 28<sup>th</sup> day of December, 2010.

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Mary H. Murgula  
United States District Judge