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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Sidney Tafokitau,)	No. CV 08-2365 PHX-NVW (JRI)
Plaintiff,)	ORDER
vs.)	
Corrections Corporation of America, et al.,)	
Defendants.)	

Before the court is United States Magistrate Judge Jay Irwin’s Report and Recommendation (“R & R”) (doc. # 46) submitted in accordance with 28 U.S.C. § 636(b)(1)(B). The R & R recommended that this action be dismissed without prejudice as against Defendant Kenneth Warden for failure to serve process. No objections were filed.

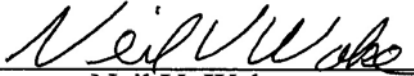
The court has reviewed the R & R and agrees with the magistrate judge's determination and recommendation. Accordingly, the court will accept the R & R and dismiss this action without prejudice as against Defendant Kenneth Warden for failure to serve process. See 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge”).

IT IS THEREFORE ORDERED accepting the Report and Recommendation of Magistrate Judge Irwin (doc. #46).

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IT IS FURTHER ORDERED that this action is dismissed without prejudice as against Defendant Kenneth Warden for failure to serve process.

DATED this 29th day of January, 2010.



Neil V. Wake
United States District Judge