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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Deandre Eugene Childers,

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No. CV 09-1032-PHX-MHM

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Plaintiff,

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ORDER

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vs.

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Joseph Arpaio,

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Defendant.

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Plaintiff, Deandre Eugene Childers, filed his Civil Rights Complaint on May 13, 2009.

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On June 29, 2009, this Court issued an order advising Plaintiff to complete and return a service packet for Defendant by July 20, 2009. The Court notes that Plaintiff's mail has been returned by the Post Office indicating Plaintiff is no longer in custody.

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On August 31, 2009, the Magistrate Judge filed his Report and Recommendation recommending that this case be dismissed without prejudice for Plaintiff's failure to comply with Fed. R. Civ. P. 41(b).

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

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IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge as the order of this Court [doc. 10].

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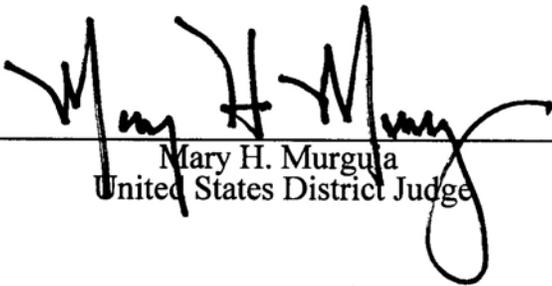
IT IS FURTHER ORDERED dismissing this case without prejudice for failure to prosecute.

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IT IS FURTHER ORDERED directing the Clerk to enter Judgment accordingly.

DATED this 2nd day of November, 2009.



Mary H. Murgula
United States District Judge