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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Anibal Ortiz,

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No. CV 09-1048-PHX-MHM

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Plaintiff,

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ORDER

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vs.

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Donna Burnias, et al.,

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Defendants.

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On December 2, 2010, Magistrate Judge Jay R. Irwin filed his Report and Recommendation recommending that Defendant Cain be dismissed without prejudice for failure to effect timely service.

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

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

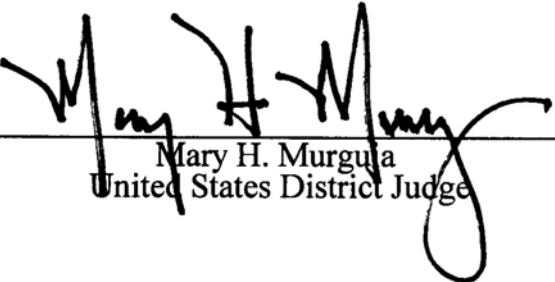
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IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge as the order of this Court (Doc. 69).

IT IS FURTHER ORDERED dismissing Defendant Cain without prejudice.

DATED this 28th day of December, 2010.



Mary H. Murgula
United States District Judge