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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Christopher Edward Briones,
Plaintiff,
vs.
Dora B. Schriro; et. al.,
Defendants.

No. CV-09-1989-PHX-ROS (JRI)

ORDER

On August 17, 2011, United States Magistrate Judge Irwin issued a Report and Recommendation. (Doc. 67). Plaintiff has not objected to the Report and Recommendation.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). Where any party has filed timely objections to the magistrate judge's report and recommendations, the district court’s review of the part objected to is to be *de novo*. *Id.*; see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, but not otherwise.”) (internal quotations and citations omitted).

No objections being made, the Court will adopt the Report and Recommendation in full.

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Accordingly,

IT IS ORDERED the Report and Recommendation (Doc. 47) is **ADOPTED**.

IT IS ORDERED Defendant Haley is **DISMISSED WITHOUT PREJUDICE** for failure to serve.

IT IS ORDERED this case is hereby **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

DATED this 12th day of October, 2011.



Roslyn O. Silver
Chief United States District Judge