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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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10 Kurt Adam Oldenburg, )  
11 Plaintiff, )  
12 v. )  
13 Maricopa County Sheriff's )  
14 Office, et al., )  
15 Defendant/Movant. )

CIV 10-00874-PHX-PGR (MEA)

**ORDER**

16 Currently before the Court is the Report and Recommendation (Doc. 28) of Magistrate  
17 Judge Aspey. Plaintiff seeks leave to file a Fourth Amended Complaint in order to add five  
18 additional claims and to add defendants.

19 The Court agrees with Magistrate Judge Aspey that permitting a Fourth Amended  
20 Complaint amendment at this stage to, *inter alia*, litigate events that transpired subsequent  
21 to the filing of the served complaint and add defendants may result in prejudice and would  
22 wholly complicate the efficient litigation of the previously screened events against the named  
23 Defendants.

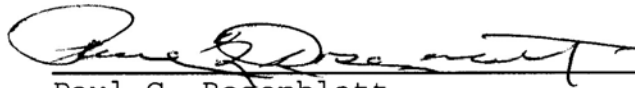
24 Therefore, having reviewed *de novo* the Report and Recommendation and no party  
25 having filed any objection thereto,

26 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation  
27 (**Doc. 28**) is **ACCEPTED** and **ADOPTED** by the Court.  
28

1 IT IS FURTHER ORDERED **DENYING** the Motion for Leave to File and Amended  
2 Complaint (Doc. 26).

3 IT IS FURTHER ORDERED **DENYING** a Certificate of Appealability because  
4 Plaintiff has failed to make a substantial showing of the denial of a constitutional right.

5 DATED this 5<sup>th</sup> day of January, 2011.

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7 Paul G. Rosenblatt  
8 United States District Judge  
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