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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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AMMAR DEAN HALLOUM,)

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Plaintiff,)

No. CIV 11-0097-PHX-RCB

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vs.)

O R D E R

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CHARLES L. RYAN, *et al.*,)

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Defendants.)

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Presently pending before the court is the Report and

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Recommendation of United States Magistrate Judge Jay R. Irwin

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("R & R") (Doc. 34), recommending that this action be dismissed

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without prejudice as to defendant Itenberg. As fully and soundly

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discussed in that R & R, the Magistrate Judge recommended dismissal

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pursuant to Fed.R.Civ.P. 4(m) because "[p]laintiff . . . failed to

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show good cause or excusable neglect to justify an extension of

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time to complete service on Defendant Itenberg." R & R (Doc. 34)

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at 4:15-16.

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The R & R was filed and served upon the parties on September

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21, 2011. The R & R explicitly advised the parties that, pursuant

1 to Fed.R.Civ.P. 72, they "shall have fourteen (14) days from the
2 date of service of a copy of this recommendation within which to
3 file specific written objections with the Court." Id. at 4:25-26.
4 None of the parties have filed objections to that R & R, and the
5 fourteen day time frame for so doing has passed.¹

6 When reviewing an R & R issued by a Magistrate Judge, this
7 court "may accept, reject, or modify, in whole or in part, the
8 findings or recommendations made by the magistrate judge." 28
9 U.S.C. § 636(b)(1). "Of course, de novo review of a R & R is only
10 required when an objection is made to the R & R[.]" Wang v.
11 Masaitis, 416 F.3d 992, 1000 n. 13 (9th Cir. 2005) (citing United
12 States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en*
13 *banc*)). That is because "[n]either the Constitution nor the
14 [Federal Magistrates Act] requires a district judge to review, de
15 novo, findings and recommendations that the parties themselves
16 accept as correct." Reyna-Tapia, 328 F.3d at 1121 (citations
17 omitted). Indeed, construing the Federal Magistrates Act, the
18 Supreme Court has found that that "statute does not on its face
19 require any review at all, by either the district court or the
20 court of appeals, of any issue that is not the subject of an
21 objection." Thomas v. Arn, 474 U.S. 140, 149, 106 S.Ct. 466, 88
22 L.Ed.2d 435 (1985). Consistent with the foregoing authority, the
23 court has not conducted a *de novo* review of the pending R & R
24 because the parties did not file any objections thereto.

25 Having reviewed the Magistrate Judge's R & R, and no
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27 ¹ This takes into account the additional three days allotted to plaintiff
28 in accordance with Fed.R.Civ.P. 6(d) because, as the docket sheet indicates, he was
served by mail.

1 objections having been filed by any party thereto, the court hereby
2 incorporates and adopts the Magistrate Judge's Report and
3 Recommendation in its entirety (Doc. 34). In accordance therewith,

4 **IT IS ORDERED** that:

5 (1) pursuant to Fed.R.Civ.P. 4(m), the claims as against
6 defendant Itenberg are **DISMISSED WITHOUT PREJUDICE**.

7 DATED this 16th day of November, 2011.

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Robert C. Broomfield
Senior United States District Judge

Copies to all counsel of record and plaintiff, *pro se*