

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

<b>Jenghiz K. Stewart,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>2:11-cv-00997 JWS - JFM</b>
	)	
<b>vs.</b>	)	<b>ORDER FROM CHAMBERS</b>
	)	
<b>Medical Review Committee, et al.,</b>	)	<b>[Re: Report and Recommendation</b>
	)	<b>at doc. 57; Dismissal of Case]</b>
<b>Defendants.</b>	)	
	)	

---

**I. MATTER PRESENTED**

At docket 57, Magistrate Judge James F. Metcalf filed a report recommending that the court grant defendants' motion to dismiss for failure to prosecute and dismiss this action with prejudice [docket 47]. The time for filing objections has run, and no objections have been filed.

**II. STANDARD OF REVIEW**

The district court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."<sup>1</sup> When reviewing a magistrate judge's report and recommendation, the district court reviews *de novo* conclusions of

---

<sup>1</sup>28 U.S.C. § 636(b)(1).

law<sup>2</sup> and findings of fact to which parties object.<sup>3</sup> The court reviews for clear error uncontested findings of fact.<sup>4</sup>

### **III. CONCLUSION**

Having reviewed the magistrate judge's report and recommendation under the standard of review articulated above, the court agrees with the magistrate judge's findings of fact and conclusions of law. Accordingly, the court **ACCEPTS** the report and recommendation at docket 57. The motion at docket 47 is **GRANTED**, and this case is **DISMISSED WITH PREJUDICE** for failure to prosecute.

DATED this 18th day of September 2013.

\_\_\_\_\_  
/s/  
JOHN W. SEDWICK  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup>*Barilla v. Ervin*, 886 F.3d 1514, 1518 (9th Cir. 1989), *overruled on other grounds by Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996).

<sup>3</sup>28 U.S.C. § 636(b)(1).

<sup>4</sup>*Taberer v. Armstrong World Indus., Inc.*, 954 F.2d 888, 906 (3d Cir. 1992).