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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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12 Dwight Murray, )

13 Plaintiff, )

No. CIV-11-2210 PHX RCB (JFM)

14 vs. )

O R D E R

15 Corrections Corp. of )  
16 America, Inc., et al. )

17 Defendants. )

18 Currently pending before the court is the Report and  
19 Recommendation of United States Magistrate Judge James F.  
20 Metcalf ("R & R") (Doc. 36), recommending that this action be  
21 dismissed without prejudice as to defendants Joe Stichen and  
22 Lorie LaClare. As fully and soundly discussed in that R & R,  
23 the Magistrate Judge recommended dismissal pursuant to  
24 Fed.R.Civ.P. 4(m) because "[p]laintiff . . . failed to show good  
25 cause or excusable neglect to justify an extension of time to  
26 complete service on Defendants Stichen and LaClare." R & R (Doc.  
27 36) at 3:12-13.

28 The R & R was filed and served upon the parties on October

1 23, 2012. The R & R explicitly advised the parties that,  
2 pursuant to Fed.R.Civ.P. 72, they "shall have fourteen (14) days  
3 from the date of service of a copy of this recommendation within  
4 which to file specific written objections with the Court." Id.  
5 at 3:21-23. None of the parties have filed objections to that  
6 R & R, and the fourteen day time frame for so doing has passed.

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

27 Having reviewed the Magistrate Judge's R & R, and no  
28 objections having been filed by any party thereto, the court

1 hereby incorporates and adopts the Magistrate Judge's Report and  
2 Recommendation in its entirety (Doc. 36). In accordance  
3 therewith, **IT IS ORDERED** that:

4 (1) pursuant to Fed.R.Civ.P. 4(m), the claims as against  
5 defendants Joe Stichen and Lorie LaClare are **DISMISSED WITHOUT**  
6 **PREJUDICE.**

7 DATED this 12th day of November, 2012.

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Robert C. Broomfield  
Senior United States District Judge

Copies to counsel of record