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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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12 Charles H. Roop,)

13 Plaintiff,)

No. CIV 12-0270 PHX RCB (JFM)

14 vs.)

O R D E R

15 Charles L. Ryan, *et al.*)

16 Defendants.)

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18 Presently pending before the court is the Report and
19 Recommendation of United States Magistrate Judge James L.
20 Metcalf ("R & R") (Doc. 22), recommending that this action be
21 dismissed without prejudice as to defendant Manuel Joseph
22 Credio. As fully and soundly discussed in that R & R, the
23 Magistrate Judge recommends dismissal pursuant to
24 Fed.R.Civ.P. 4(m) because "[p]laintiff . . . failed to show
25 good cause or excusable neglect to justify an extension of
26 time to complete service on Defendant Credio." R & R
27 (Doc. 22) at 3:6-7.

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

1 October 18, 2012. The R & R explicitly advised the parties
2 that, pursuant to Fed.R.Civ.P. 72, they "shall have fourteen
3 (14) days from the date of service of a copy of this
4 recommendation within which to file specific written
5 objections with the Court." Id. at 3:16-17. None of the
6 parties have filed objections to that R & R, and the fourteen
7 day time frame for so doing has passed.¹

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

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27 ¹ This takes into account the additional three days allotted to
28 plaintiff in accordance with Fed. R.Civ.P. 6(d) because, as the docket
sheet indicates, he was served by electronic means.

1 authority, the court has not conducted a *de novo* review of
2 the pending R & R because the parties did not file any
3 objections thereto.

4 Having reviewed the Magistrate Judge's R & R, and no
5 objections having been filed by any party thereto, the court
6 hereby incorporates and adopts the Magistrate Judge's Report
7 and Recommendation in its entirety (Doc. 22). In accordance
8 therewith, **IT IS ORDERED** that:

9 (1) pursuant to Fed.R.Civ.P. 4(m), the claims as against
10 defendant Credio are **DISMISSED WITHOUT PREJUDICE**.

11 DATED this 8th day of November, 2012.

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15 Robert C. Broomfield
16 Senior United States District Judge
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20 Copies to counsel of record and plaintiff *pro se*
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