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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

James Michael Morgan,  
Plaintiff,  
vs.  
Maricopa County Adult Probation Dept.,  
et al.,  
Defendants.

No. CV-12-00464-PHX-ROS

**ORDER**

Pending before the Court is Magistrate Judge James F. Metcalf’s Report and Recommendation. (Doc. 16). Neither party filed objections.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). Where any party has filed timely objections to the magistrate judge’s report and recommendation, the district court’s review of the part objected to is to be *de novo*. *Id.* If, however, no objections are filed, the district court need not conduct such a review. *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, but not otherwise.”) (internal quotations and citations omitted). Because no objections were filed, the report and recommendation will be adopted in full.

Accordingly,

**IT IS ORDERED** the Report and Recommendation (Doc. 16) is **ADOPTED** in full.

1           **IT IS FURTHER ORDERED** Plaintiff's equal protection claims are **DISMISSED**  
2 **WITHOUT PREJUDICE.**

3           **IT IS FURTHER ORDERED** that service on Defendants MCAPD, Broderick,  
4 Thompson, and Johnson be made and they must respond to the First Amended Complaint.  
5 The Court directs the following:

6           (1) The Clerk of the Court shall send Plaintiff a service packet including both  
7 summons and request for waiver forms for said Defendants.

8           (2) Plaintiff shall complete and return the service packet to the Clerk of the Court  
9 within 20 days of the date of the filing of this Order. The United States Marshal will not  
10 provide service of process if Plaintiff fails to comply with this Order.

11           (3) The United States Marshal shall retain the Summons, a copy of such amended  
12 complaint, and a copy of this Order for future use.

13           (4) The United States Marshal shall notify said Defendants of the commencement of  
14 this action and request waiver of service of the summons pursuant to Rule 4(d) of the Federal  
15 Rules of Civil Procedure. The notice to Defendants shall include a copy of this Order. The  
16 Marshal shall file waivers of service of the summons or requests for waivers that were  
17 returned as undeliverable as soon as they are received. If a waiver of service of summons  
18 is not returned by Defendants within thirty days from the date the request for waiver was sent  
19 by the Marshal, the Marshal shall:

20           a. Personally serve copies of the Summons, such amended Complaint and this Order  
21 upon Defendants pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure.

22           b. Within ten days after personal service is effected, file the return of service for the  
23 Defendants, along with evidence of the attempt to secure a waiver of service of the summons  
24 and of the costs subsequently incurred in effecting service upon the Defendants. The costs  
25 of service shall be enumerated on the return of service form (USM-285) and shall include the  
26 costs incurred by the Marshal for photocopying additional copies of the Summons, such  
27 amended complaint, or this Order and for preparing new process receipt and return forms  
28 (USM-285), if required. Costs of service will be taxed against the personally served

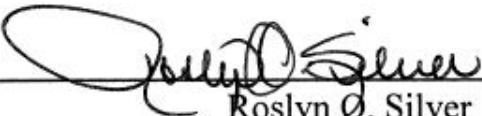
1 Defendant pursuant to Rule 4(d)(2) and (5) of the Federal Rules of Civil Procedure, unless  
2 otherwise ordered by the Court.

3 (5) Defendants who agree to waive service of the Summons and such amended  
4 complaint shall return signed waiver forms to the United State Marshal, and not to Plaintiff.

5 (6) Said Defendants shall answer such amended complaint or otherwise respond by  
6 appropriate motion within the time provided by the applicable provisions of Rule 12(a) of  
7 the Federal Rules of Civil Procedure.

8 (7) Any answer or responsive pleading shall state the specific Defendant(s) by name  
9 on whose behalf it is filed. The Court may strike any answer, responsive pleading, or other  
10 motion or paper that does not identify the specific Defendant(s) by name on whose behalf  
11 it is filed.

12 DATED this 11<sup>th</sup> day of October, 2012.

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16 Roslyn O. Silver  
17 Chief United States District Judge  
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