

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Mohammed Khalafala-Khalafala,	)	No. CV-12-01683-PHX-ROS
Plaintiff,	)	<b>ORDER</b>
vs.	)	
United States of America,	)	
Defendant.	)	

---

On December 7, 2012, United States Magistrate Judge Mark Aspey issued a Report and Recommendation. (Doc. 5). Plaintiff has not objected to the Report and Recommendation.

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 recommendations, the district court's review of the part objected to is to be de novo. *Id.*; see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *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).

No objections being made, the Court will adopt the Report and Recommendation in full.


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly,

**IT IS ORDERED** the Report and Recommendation (**Doc. 5**) is **ADOPTED**.

**IT IS FURTHER ORDERED** pursuant to Rule 41(b), Federal Rules of Civil Procedure, the **Clerk of the Court** shall **dismiss this action without prejudice**.

DATED this 7<sup>th</sup> day of January, 2013.

  
\_\_\_\_\_  
Roslyn O. Silver  
Chief United States District Judge