

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

James E. Skinner,)	No. CV-12-1729-PHX-SMM (ESW)
Plaintiff,)	
v.)	ORDER
Charles L. Ryan, et al.,)	
Defendants.)	

Under reference to Magistrate Judge Eileen S. Willett is Plaintiff’s First Amended Complaint pursuant to 42 U.S.C. § 1983 alleging a violation of his civil rights under the Eighth Amendment. (Doc. 8.) Currently pending before the Court is Magistrate Judge Willett’s report and recommendation recommending that Plaintiff’s First Motion for Sanctions be denied. (Doc. 194.) To date, no objections have been filed.

STANDARD OF REVIEW

When reviewing a Magistrate Judge’s Report and Recommendation, this Court must “make a *de novo* determination of those portions of the report . . . to which objection is made,” and “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)(1)(C); see Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service of a copy of the Magistrate Judge’s recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of the

1 Magistrate Judge's factual findings and waives all objections to those findings on appeal.
2 See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). Although failing to object to a
3 Report and Recommendation waives the right to challenge the Magistrate Judge's factual
4 findings, it does not waive review of the Magistrate Judge's legal conclusions. Baxter, 923
5 F.2d at 1394; see also Turner, 158 F.3d at 455.

6 DISCUSSION

7 Having reviewed the Report and Recommendation of the Magistrate Judge, and no
8 objections having been made, the Court hereby incorporates and adopts the Magistrate
9 Judge's Report and Recommendation.

10 CONCLUSION

11 For the reasons set forth,

12 **IT IS HEREBY ORDERED** approving, incorporating, and adopting the Report and
13 Recommendation of Magistrate Judge Eileen S. Willett. (Doc. 194.)

14 **IT IS FURTHER ORDERED** denying Plaintiff's First Motion for Sanctions. (Doc.
15 191.)

16 **IT IS FURTHER ORDERED** denying Defendants' request to sanction Plaintiff's
17 counsel. (Doc. 192.)

18 **IT IS FURTHER ORDERED** vacating the Court's Order of March 12, 2014 (Doc.
19 134) and reinstating the case as to Defendant Rita J. Duarte.

20 **IT IS FURTHER ORDERED** referring this matter to Magistrate Judge Willett for
21 further proceedings.

22 **IT IS FURTHER ORDERED** that counsel for Defendants provide to Magistrate
23 Judge Willett by **Friday April 24, 2015** the current, correct address for Defendant Rita J.
24 Duarte. Alternatively, counsel for Defendants may file a Notice Accepting Service of Process
25 on behalf of Defendant Rita J. Duarte.

26 **IT IS FURTHER ORDERED** that the Clerk of Court provide Defendant Duarte's
27 address to USMS with a Service Packet including this Order, a copy of the Marshal's Process
28 Receipt & Return form (USM-285) and Notice of Lawsuit & Request for Waiver of Service

1 of Summons form for Defendant Duarte.

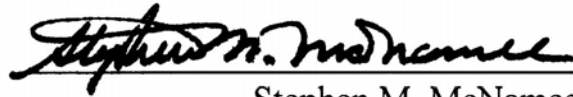
2 **IT IS FURTHER ORDERED** extending the time for service of process for
3 Defendant Duarte until **Friday, June 26, 2015**.

4 **IT IS FURTHER ORDERED** permitting additional, limited discovery regarding
5 Defendant Rita J. Duarte by extending the discovery deadlines for 60 days from the date an
6 Answer or other responsive motion is filed by Defendant Rita J. Duarte.

7 **IT IS FURTHER ORDERED** that the Clerk of Court forward a copy of this Order
8 to Magistrate Judge Willett.

9 DATED this 20th day of April, 2015.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Stephen M. McNamee
Senior United States District Judge