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

Philbert Shabie,

Plaintiff,

v.

Charles L. Ryan, et al.,

Defendants.

No. CV-12-02053-PHX-JAT

ORDER

Pending before the Court is the Report and Recommendation from the Magistrate Judge (“R&R”), (Doc. 54), recommending that this case be dismissed as to Defendant Paula Carpenter for Plaintiff’s failure to serve that defendant.

Neither party filed objections to the R&R.¹ Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct “any review at all . . . of any issue that is not the subject of an objection” (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (“statute makes it clear that the district judge must review the

¹ Subsequent to issuing the R&R, the Magistrate Judge issued an order to show cause as to why this case should not be dismissed entirely for Plaintiff’s failure to prosecute. (Doc. 56). Defendant responded to the order to the show cause. Out of an abundance of caution, the Court reviewed Plaintiff’s response to the order to show cause to ensure it did not contain objections to the R&R. The response makes no mention of the R&R, its reasoning, or Plaintiff’s failure to serve Defendant Carpenter.

1 magistrate judge's findings and recommendations de novo *if objection is made*, but not
2 otherwise" (emphasis in original); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219,
3 1226 (D. Ariz. 2003).

4 The Court emphasizes that the R&R only recommends dismissing Plaintiff's
5 claims against Defendant Carpenter, and therefore does not affect Plaintiff's claims
6 against the remaining Defendants.

7 Therefore,

8 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation,
9 (Doc. 54), is **ADOPTED AND ACCEPTED**;

10 **IT IS FURTHER ORDERED** that Plaintiff's claims against Defendant Paula
11 Carpenter are **DISMISSED WITHOUT PREJUDICE**; Defendant Paula Carpenter is
12 dismissed.

13 Dated this 31st day of March, 2015.

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James A. Teilborg
Senior United States District Judge