WO 1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 FOR THE DISTRICT OF ARIZONA 7 8 9 Jose Abel Fierro, 10 Plaintiff, No. CV-13-02173-PHX-PGR (BSB) 11 VS. 12 **ORDER** Charles L. Ryan, et al., 13 Defendants. 14 15 16 Having reviewed de novo the Report and Recommendation of Magistrate Judge Bade notwithstanding that no party has filed any objection to it, the Court finds 17 18 that the Magistrate Judge correctly concluded that defendant East should be 19 dismissed from this action without prejudice for lack of service. Therefore, 20 IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc.248) is accepted and adopted by the Court. 21 IT IS FURTHER ORDERED that defendant East is dismissed from this action 22 without prejudice pursuant to Fed.R.Civ.P. 4(m). 23 DATED this 3<sup>rd</sup> day of May, 2016. 24 25 26 United States District Judge