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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Ricardo Ramirez,

Plaintiff,

vs.

Arizona Department of Corrections, et
al.,

Defendants.

No. CV-14-00191-PHX-SPL (BSB)

ORDER

On December 24, 2014, Plaintiff Ricardo Ramirez, who is confined in the Arizona State Prison Complex in Florence, Arizona, filed a *pro se* civil rights First Amended Complaint pursuant to 42 U.S.C. § 1983 (Doc. 20). The Honorable Bridget S. Bade, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 30), recommending that the Court dismiss the Complaint due to Plaintiff’s failure to return a service packet and thereby effect service through the United States Marshals Service on the only defendant in this matter. Judge Bade advised Plaintiff that he had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *See also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).


No timely objection has been filed, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is

1 not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must
2 determine de novo any part of the magistrate judge’s disposition that has been properly
3 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-
4 taken. The Court will adopt the R&R and dismiss this action. *See* 28 U.S.C. § 636(b)(1)
5 (stating that the district court “may accept, reject, or modify, in whole or in part, the
6 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
7 district judge may accept, reject, or modify the recommended disposition; receive further
8 evidence; or return the matter to the magistrate judge with instructions.”). Accordingly,

9 **IT IS ORDERED:**

- 10 1. That Magistrate Judge’s Report and Recommendation (Doc. 30) is **accepted**
11 and **adopted** by the Court;
- 12 2. That this action is **dismissed without prejudice**;
- 13 3. That the reference to Magistrate Judge Bridget S. Bade is **withdrawn**; and
- 14 4. That the Clerk of Court shall **terminate** this action.

15 Dated this 14th day of August, 2015.

16 
17 Honorable Steven P. Logan
18 United States District Judge