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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Tommy Lee Brownen,	}	No. CV-14-00590-PHX-SPL
	}	
Plaintiff,	}	ORDER
vs.	}	
	}	
Unknown Giovani,	}	
	}	
Defendant.	}	

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On March 20, 2014, Plaintiff Tommy Lee Brownen, who is confined in the La Palma Correctional Center, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). The Honorable Mark E. Aspey, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 14), 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 Aspey 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. (Doc. 14 at 4-5.) *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 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 not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de

1 novo any part of the magistrate judge’s disposition that has been properly objected to.”).
2 The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court
3 will adopt the R&R and dismiss the Complaint. *See* 28 U.S.C. § 636(b)(1) (stating that
4 the district court “may accept, reject, or modify, in whole or in part, the findings or
5 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge
6 may accept, reject, or modify the recommended disposition; receive further evidence; or
7 return the matter to the magistrate judge with instructions.”). Accordingly,

8 **IT IS ORDERED:**

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 That the reference to Magistrate Judge Mark E. Aspey be **withdrawn**; and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

14 Dated this 3rd day of October, 2014.

15 
16 Honorable Steven P. Logan
17 United States District Judge
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