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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jose Renteria,

Plaintiff,

vs.

Wesford Health Sources, Incorporated, et
al.,

Defendants.

No. CV-14-01927-PHX-NVW (JFM)

ORDER

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge James F. Metcalf (Doc. 76) regarding Plaintiff’s failure to show good cause or excusable neglect to justify an extension of time to complete service on Defendants Unknown Parties. The R&R recommends that pursuant to Rule 4(m), Defendants Unknown Parties, named as John Does 1-5, Jane Does 1-5, ABC Corporations I-X, ZYX Partnerships 1-5, and Sole Proprietorships 1-5, be dismissed without prejudice. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 4 (citing Rule 72, Fed. R. Crim. P.)). No objections were filed.

Because the parties did not file objections, the court need not review any of the Magistrate Judge’s determinations on dispositive matters. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *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.”). The absence of a


1 timely objection also means that error may not be assigned on appeal to any defect in the
2 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A
3 party may serve and file objections to the order within 14 days after being served with a
4 copy [of the magistrate’s order]. A party may not assign as error a defect in the order not
5 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174
6 (9th Cir. 1996); *Phillips v. GMC*, 289 F.3d 1117, 1120–21 (9th Cir. 2002).

7 Notwithstanding the absence of an objection, the court has reviewed the R&R and
8 finds that it is well taken. The court will accept the R&R and dismiss Defendants
9 Unknown Parties, named as John Does 1-5, Jane Does 1-5, ABC Corporations I-X, ZYX
10 Partnerships 1-5, and Sole Proprietorships 1-5. See 28 U.S.C. § 636(b)(1) (stating that
11 the district court “may accept, reject, or modify, in whole or in part, the findings or
12 recommendations made by the magistrate”).

13 IT IS THEREFORE ORDERED that Report and Recommendation of the
14 Magistrate Judge (Doc. 76) is accepted.

15 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment
16 dismissing without prejudice Plaintiff’s complaint against Defendants Unknown Parties,
17 named as John Does 1-5, Jane Does 1-5, ABC Corporations I-X, ZYX Partnerships 1-5,
18 and Sole Proprietorships 1-5.

19 Dated this 13th day of August, 2015.

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23 Neil V. Wake
24 United States District Judge
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