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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jeremiah Phipps,

Plaintiff,

v.

Charles L. Ryan, et al.,

Defendants.

No. CV-14-02205-PHX-NVW

ORDER

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Bridget S. Bade (Doc. 19) regarding Plaintiff’s failure to comply with the Court’s order (Doc. 17 at 7) in his failure to return to the Court, within twenty-one days, completed service packets for service on Defendant Churchwell. Thereafter the Court ordered Plaintiff to show cause on or before May 15, 2015, why this matter should not be dismissed pursuant to Fed.R.CivP. 41(b) (“[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order . . .”). (Doc. 18.) Plaintiff has failed to respond to the Court’s April 24, 2015 Order and failed to return a completed service packet to the Court.

The R&R recommends the Court dismiss this matter without prejudice for failure to comply with Court orders pursuant to Fed. R. Civ. P. 41(b). The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 2 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6 and 72.). No objections were filed.

Because the parties did not file objections, the court need not review any of the

1 Magistrate Judge’s determinations on dispositive matters. See 28 U.S.C. § 636(b)(1);
2 Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);
3 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any
4 review at all . . . of any issue that is not the subject of an objection.”). The absence of a
5 timely objection also means that error may not be assigned on appeal to any defect in the
6 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A
7 party may serve and file objections to the order within 14 days after being served with a
8 copy [of the magistrate’s order]. A party may not assign as error a defect in the order not
9 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir.
10 1996); *Phillips v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

11 Notwithstanding the absence of an objection, the court has reviewed the R&R and
12 finds that it is well taken. The court will accept the R&R and dismiss this matter without
13 prejudice. See 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject,
14 or modify, in whole or in part, the findings or recommendations made by the
15 magistrate”).

16 IT IS THEREFORE ORDERED that Report and Recommendation of the
17 Magistrate Judge (Doc. 19) is accepted.

18 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment
19 dismissing plaintiff’s Complaint filed pursuant to 42 U.S.C. § 1983 (Doc. 1) without
20 prejudice. The Clerk shall terminate this action.

21 Dated this 23rd day of June, 2015.

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25 Neil V. Wake
26 United States District Judge
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