

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Ellis Jerome Swinton,

10 Plaintiff,

11 v.

12 Joseph M. Arpaio, *et al.*,

13 Defendants.
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No. CV-15-00794-PHX-JJT

ORDER

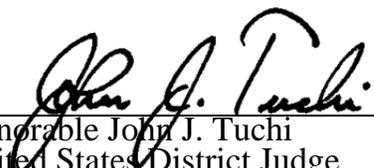
15 At issue are Defendants' Motion for Sanctions (Doc. 29), to which Plaintiff filed
16 no response, and the Report and Recommendation ("R&R") submitted by United States
17 Magistrate Judge Deborah M. Fine (Doc. 45), recommending that the Court grant said
18 Motion. Plaintiff likewise has failed to file any objection to the R&R, timely or
19 otherwise, and the time to do so has now elapsed. The court therefore is entitled to accept
20 the R&R without further review and deem Plaintiff to have waived his right to appellate
21 review of any findings of fact. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
22 (9th Cir. 2003); Rule 72, Fed. R. Civ. Pr. Nonetheless, the Court has conducted full
23 review of the R&R and the factual and legal bases for it. Upon such review, the Court
24 adopts in whole the R&R and the reasons underpinning it. The Court therefore will
25 impose a sanction of \$92.90 – the cost of the court reporter charge for the canceled
26 deposition to which Plaintiff willfully failed to submit despite it being properly noticed.
27 The Court finds the sanction to be both measured and appropriate under the
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1 circumstances, which include Plaintiff's ultimate compliance with the Court's order to sit
2 for a subsequently scheduled deposition.

3 IT IS ORDERED adopting in whole Judge Fine's R&R and the underlying
4 reasoning.

5 IT IS FURTHER ORDERED granting Defendants' Motion for Sanctions
6 (Doc. 29) and awarding sanctions a in the amount of \$92.90 to Defendants and against
7 Plaintiff.

8 Dated this 20th day of October, 2016.

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11 _____
12 Honorable John J. Tuchi
13 United States District Judge
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