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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Dustin Wayne Herring,  
Plaintiff,  
v.  
Maricopa County Sheriff's Office, et al.,  
Defendants.

No. CV15-0911 PHX DGC (JFM)

**ORDER**

Plaintiff Dustin Wayne Herring has filed a civil rights complaint pursuant to 28 U.S.C. § 1343; 42 U.S.C. § 1983. Doc. 1. United States Magistrate James F. Metcalf has issued a report and recommendation (“R&R”) recommending that the complaint be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to follow Court orders. Doc. 28. No objection has been filed, which relieves the Court of its obligation to review the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). The Court will accept the R&R and dismiss the complaint without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to follow Court orders.

**IT IS ORDERED:**

1. The R&R (Doc. 28) is **accepted**.
2. The civil rights complaint (Doc. 1) is **dismissed without prejudice**.
3. Defendant’s motion for summary judgment for failure to exhaust

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administrative remedies (Doc. 22) and Defendant’s motion to continue deadline to depose Plaintiff (Doc. 29) are **denied as moot**.

4. A certificate of appealability and leave to proceed *in forma pauperis* on appeal are **denied**

5. The Clerk is directed to **terminate** this action.

Dated this 12th day of May, 2016.



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David G. Campbell  
United States District Judge