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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Uzoma Odigwe, et al.,

Plaintiffs,

v.

Social Security Administration, et al.,

Defendants.

No. CV-15-1497-PHX-NVW

ORDER

Before the Court are Plaintiffs' Complaint against the Social Security Administration ("SSA"), the Federal Protective Service, and AKAL Security Company alleging race discrimination and retaliation. (Doc. 1), United States Magistrate Judge Duncan's Report and Recommendation (Doc. 4) and Plaintiffs' Objections to the Magistrate's Report and Recommendation (Doc. 7).

At the time of Magistrate Judge Duncan's issuance of the Report and Recommendation the case was assigned to him. Judge Duncan's Report and Recommendation was addressed to the Presiding Judge of the Phoenix Division because a Magistrate Judge does not have the authority to take dispositive action in a case absent the full consent of the parties. Thereafter, one of the parties' elected assignment of the case to district judge jurisdiction and the case was reassigned to the undersigned.

The Court has considered Plaintiffs' objections and reviewed the Report and Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the Court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The Court accepts the

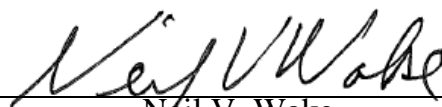
1 magistrate judge's recommended disposition within the meaning of Rule 72(b), Fed. R.
2 Civ. P., and overrules Plaintiffs' objections. *See* 28 U.S.C. § 636(b)(1) (stating that the
3 district court "may accept, reject, or modify, in whole or in part, the findings or
4 recommendations made by the magistrate").

5 IT IS THEREFORE ORDERED that the Report and Recommendation of
6 Magistrate Judge Duncan (Doc. 4) to dismiss Plaintiffs' Complaint because amendment
7 would appear to be futile in light of any possible consideration of the facts which
8 Plaintiffs have asserted and the applicable law.

9 IT IS FURTHER ORDERED that Plaintiffs' Complaint is dismissed.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
11 accordingly and terminate this action.

12 Dated this 4th day of September, 2015.

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15 Neil V. Wake
16 United States District Judge
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