

1 NOT FOR PUBLICATION
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Maria Theresa Dietz-Kinn,
10 Plaintiff,
11 v.
12 ASPC - Perryville, et al.,
13 Defendants.

No. CV-16-00335-PHX-SRB

ORDER

14 Plaintiff filed her Civil Rights Complaint on February 4, 2016. On June 8, 2016
15 the Court Ordered Plaintiff to serve the Defendants McGrath and Rivera. Defendant
16 McGrath was served on August 10, 2016 (Doc. 13). Service on Defendant Rivera was
17 returned unexecuted on July 20, 2016. On June 6, 2017 the Court issued an order
18 directing Plaintiff to show cause within fourteen days of the date of the order “why her
19 claims against Defendant Rivera should not be dismissed, without prejudice, for failure to
20 serve.” Plaintiff failed to Respond to the Court’s June 6, 2017 Order.

21 On June 30, 2017, the Magistrate Judge issued her Report and Recommendation
22 recommending that Plaintiff’s claims against Defendant Rivera be dismissed for failure to
23 serve pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

24 In her Report and Recommendation the Magistrate Judge advised the parties that
25 they had fourteen days from the date of service of a copy of the Report and
26 Recommendation within which to file specific written objections with the Court. The time
27 to file such objections has expired and no objections to the Report and Recommendation
28 have been filed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Court finds itself in agreement with the Report and Recommendation of the Magistrate Judge.

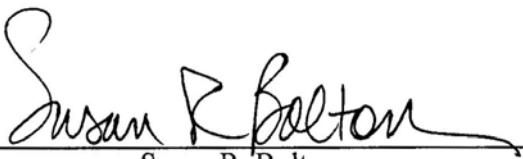
IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge as the order of this Court.

IT IS FURTHER ORDERED dismissing Plaintiff's claims against Defendant Rivera without prejudice.

IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

IT IS FURTHER ORDERED that the docket shall reflect that the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rules of Appellate Procedure 24(a)(3)(A), that any appeal of this decision would not be taken in good faith.

Dated this 25th day of July, 2017.



Susan R. Bolton
United States District Judge