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NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Joshua Stauffer,
Plaintiff,
v.
Payson Police Department, et al.,
Defendants.

No. CV-16-00472-PHX-SRB (JFM)
ORDER

On January 17, 2017, this Court issued its Order granting Defendant’s Motion to Dismiss, dismissing Plaintiff’s First Amended Complaint and allowing Plaintiff to file a Second Amended Complaint within 30 days of the date of the Order. On February 8, 2017 Plaintiff filed his Second Amended Complaint. On February 21, 2017 the Magistrate Judge issued his Report and Recommendation recommending that Plaintiff’s Second Amended Complaint be dismissed for failure to state a claim and granting Plaintiff 30 days to file a Third Amended Complaint. On March 3, 2017 Defendant filed its Response to the Report and Recommendation and on March 15, 2017 Plaintiff filed his Response to Defendant’s Objections with the Report and Recommendation.

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

IT IS ORDERED overruling Defendant’s Objections to the Report and Recommendation of the Magistrate Judge.

IT IS FURTHER ORDERED adopting the Report and Recommendation of the

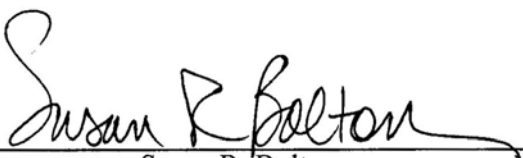
1 Magistrate Judge as the order of this Court.

2 IT IS FURTHER ORDERED dismissing Plaintiff's Second Amended Complaint
3 for failure to state a claim.

4 IT IS FURTHER ORDERED that Plaintiff shall have one final opportunity to
5 amend his complaint and is granted leave to file a Third Amended Complaint within 30
6 days of the date of this Order.

7 IT IS FURTHER ORDERED that if Plaintiff fails to file a Third Amended
8 Complaint within 30 days of the date of this Order, the Clerk of Court must, without
9 further notice, enter a judgment of dismissal of this action.

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11 Dated this 30th day of March, 2017.

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16 Susan R. Bolton
17 United States District Judge
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