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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Cedric Wheeler,

Plaintiff,

v.

State of Arizona, et al.,

Defendants.

No. CV 16-02326-PHX-DJH (BSB)

ORDER

Pending before the Court is the Report and Recommendation of Magistrate Judge Bridget S. Bade (Doc. 93) addressing the parties' Stipulated Partial Motion to Dismiss. (Doc. 87.) The parties have stipulated that Defendants Akin and Sarauf were not involved in the events at issue in this lawsuit and should therefore be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii). (*Id*. at 2.) The parties further stipulated that Defendants Cluff, Lynch, and Simental have not been served and should be dismissed without prejudice pursuant to Rules 4(m) and 41(a)(1)(ii). (*Id*. at 1.) The Report and Recommendation recommends adopting the parties' stipulation and also recommends the dismissal of Doe Defendants 1-40 without prejudice. (Doc. 93.)

The time to file objections has expired (*see* Doc. 93 at 2; Doc. 94 at 2), and neither party filed objections. The Court is therefore not obligated to review the Report and Recommendation. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); Fed. R. Civ. P. 72(b)(3) ("[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to"). Even

so, the Court has reviewed Judge Bade's Report and Recommendation and incorporates and adopts it.

IT IS ORDERED:

(1) The Report and Recommendation of Magistrate Judge Bade (Doc. 93) is **adopted**.

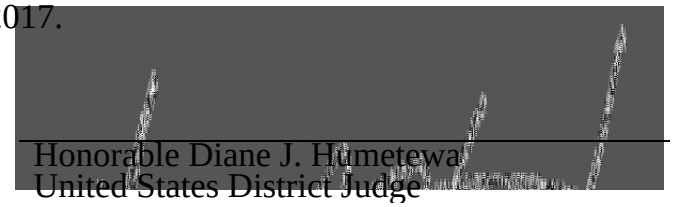
(2) The parties' Stipulated Partial Motion to Dismiss (Doc. 87) is **granted**.

(3) Defendants Akin and Sarauf are **dismissed** from the action **without prejudice** pursuant to Rule 41(a)(1)(ii).

(4) Defendants Cluff, Lynch, and Simental are **dismissed** from the action **without prejudice** pursuant to Rules 4(m) and 41(a)(1)(ii).

(5) The fictitious Defendants John and Jane Does 1-40 are **dismissed** from the action **without prejudice**.

Dated this 19th day of December, 2017.



Honorable Diane J. Humetewa
United States District Judge