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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Leticia Cruz,

No. CV-16-02970-PHX-DKD

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Plaintiff,

ORDER

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v.

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Jim Earl, et al.,

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Defendants.

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Pending before the Court is United States Magistrate Judge David K. Duncan's Report and Recommendation ("R&R"), which recommends dismissal of Defendants Earl from this action, (Doc. 30). The Magistrate Judge advised Plaintiff that she had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 2 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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Plaintiff did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."). The Court will accept the R&R and dismiss Defendants Earl from this action. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole

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1 or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P.
2 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition;
3 receive further evidence; or return the matter to the magistrate judge with instructions.”).

4 **IT IS THEREFORE ORDERED** that Judge Duncan’s R&R (Doc. 30) is
5 **ACCEPTED** and Defendants Jim Earl and Unknown Earl are **DISMISSED** from this
6 action for want of prosecution.

7 Dated this 14th day of March, 2018.

8 
9 Honorable G. Murray Snow
10 United States District Judge

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