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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Esteban Jimenez

Plaintiff,

v.

Joseph M. Arpaio, et al.,

Defendants.

No. CV-16-3223-PHX-DJH

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) issued by United States Magistrate Judge Bridget S. Bade on June 30, 2017. (Doc. 18). In the R&R, Judge Bade explains that Plaintiff has failed to notify the Court of changes to his address despite being ordered to do so in a screening order back on December 30, 2016. (Doc. 10 at 6). As a result, mail sent to Plaintiff has been returned to the Court as undeliverable. (See Doc. 14). On June 5, 2017, the Court issued an order directing Plaintiff to show cause why the case should not be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure in light of Plaintiff’s failure to comply with the Court’s orders and prosecute the case. (Doc. 16). The order was returned to the Court as undeliverable. (Doc. 17). Given Plaintiff’s failure to provide notice of his current address and his failure to respond to the order to show cause, Judge Bade considered whether dismissal is appropriate and analyzed the factors relevant to that determination. Based on that analysis, Judge Bade recommends that the case be dismissed without prejudice pursuant to Rule 41(b).

1 Judge Bade advised the parties that they had fourteen days to file objections and
2 that the failure to file timely objections "may result in the acceptance of the Report and
3 Recommendation by the District Court without further review." (Doc. 18 at 3) (citing
4 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). No
5 objections have been filed and the time to do so has expired. Absent any objections, the
6 Court is not required to review the findings and recommendations in the R&R. *See*
7 *Thomas v. Arn*, 474 U.S. 140, 149 (1989) (The relevant provision of the Federal
8 Magistrates Act, 28 U.S.C. § 636(b)(1)(C), "does not on its face require any review at all
9 . . . of any issue that is not the subject of an objection."); *Reyna-Tapia*, 328 F.3d at 1121
10 (same); Fed.R.Civ.P. 72(b)(3) ("The district judge must determine de novo any part of
11 the magistrate judge's disposition that has been properly objected to.").

12 Nonetheless, the Court has reviewed the R&R and agrees with its findings and
13 recommendations. The Court will, therefore, accept the R&R and adopt Judge Bade's
14 recommendations. *See* 28 U.S.C. § 636(b)(1)(C) ("A judge of the court may accept,
15 reject, or modify, in whole or in part, the findings or recommendations made by the
16 magistrate judge."); Fed.R.Civ.P. 72(b)(3) (same).

17 Accordingly,

18 **IT IS ORDERED** that Magistrate Judge Bade's R&R (Doc. 18) is **accepted** and
19 **adopted** as the order of this Court.

20 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT**
21 **PREJUDICE** and that the Clerk of Court shall enter judgment accordingly.

22 **Dated** this 16th day of November, 2017.

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25 
26 Honorable Diane J. Humetewa
United States District Judge