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

Anthony Gregory LaPointe,
Plaintiff,
v.
Corizon, et al.,
Defendants.

No. CV-16-03809-PHX-DJH (JFM)
ORDER

This matter is before the Court on the Report and Recommendation re Screening of First Amended Complaint (“R&R”) issued by United States Magistrate Judge James F. Metcalf on January 31, 2018. (Doc. 81). In the R&R, Judge Metcalf recommends that Defendant John Doe #1 be dismissed without prejudice for failure to timely effect service. (*Id.*)

Judge Metcalf advised the parties that the parties had fourteen days to file objections and that the failure to file timely objections "will be considered a waiver of a party’s right to *de novo* consideration of the issues.” (Doc. 81 at 2) (citing *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). No objections have been filed and the time to do so has expired. Absent any objections, the Court is not required to review the findings and recommendations in the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (The relevant provision of the Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(C), “does not on its face require any review at all . . . of any issue that is not the subject of an objection.”); *Reyna-Tapia*, 328 F.3d at 1121 (same); Fed.R.Civ.P. 72(b)(3)

1 (“The district judge must determine de novo any part of the magistrate judge’s
2 disposition that has been properly objected to.”).

3 Nonetheless, the Court has reviewed the R&R and agrees with its findings and
4 recommendations. The Court will, therefore, accept the R&R and adopt Judge Metcalf’s
5 recommendations. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court may accept,
6 reject, or modify, in whole or in part, the findings or recommendations made by the
7 magistrate judge.”); Fed.R.Civ.P. 72(b)(3) (same).

8 Accordingly,

9 **IT IS ORDERED** that Magistrate Judge Metcalf’s R&R (Doc. 81) is **accepted**
10 and **adopted** as the order of this Court.

11 **IT IS FURTHER ORDERED** that Defendant John Doe #1 is **DISMISSED**
12 **WITHOUT PREJUDICE** for failure to effect timely service.

13 **Dated** this 4th day of April, 2018.

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Honorable Diane J. Humetewa
United States District Judge