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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Bobby S Thompson,

10 Plaintiff,

11 v.

12 Joseph M Arpaio, et al.,

13 Defendants.
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No. CV-16-03902-PHX-JAT (ESW)

ORDER

15 Pending before this Court is the November 3, 2017 Report and Recommendation
16 (“R&R”) (Doc. 32) issued by the Magistrate Judge recommending screening of the
17 Second Amended Complaint (Doc. 31). No party has filed objections to the R&R.
18 District courts are not required to conduct “any review at all . . . of any issue that is not
19 the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added).

20 Accordingly,

21 **IT IS ORDERED** that the R&R (Doc. 32) is accepted and adopted.

22 **IT IS FURTHER ORDERED** that Maricopa County must answer Count One of
23 the Second Amended Complaint.

24 **IT IS FURTHER ORDERED** that Defendant DO B2230 must answer the
25 retaliation claim in Count Two of the Second Amended Complaint that is based on DO
26 B2230’s alleged issuance of a Disciplinary Report after Plaintiff submitted a grievance.

27 **IT IS FURTHER ORDERED** that Count Two is dismissed as to Plaintiff’s
28 allegations that DO B2230 “suggested” that Plaintiff be moved to a different pod and

1 housed with an inmate of another race.

2 **IT IS FURTHER ORDERED** that Defendant DO B2584 must answer Count
3 Three of the Second Amended Complaint.

4 **IT IS FURTHER ORDERED** that

5 1. The Clerk of Court shall send Plaintiff a service packet including the
6 Second Amended Complaint, this Order, and a copy of the Marshal's Process Receipt &
7 Return form (USM-285) and Notice of Lawsuit & Request for Waiver of Service of
8 Summons form for Defendants Maricopa County, DO B2230, and DO B2584.

9 2. Plaintiff shall complete and return the service packet to the Clerk of Court
10 within 21 days of the date of filing of this Order. The United States Marshal will not
11 provide service of process if Plaintiff fails to comply with this Order.

12 3. If Plaintiff does not either obtain a waiver of service of the summons or
13 complete service of the Summons and Second Amended Complaint on Defendants within
14 90 days of the filing of the Second Amended Complaint or within 60 days of the filing of
15 this Order, whichever is later, the action may be dismissed as to each Defendant not
16 served. Fed. R. Civ. P. 4(m); LRCiv 16.2(b)(2)(B)(i).

17 4. The United States Marshal shall retain the Summons, a copy of the Second
18 Amended Complaint, and a copy of this Order for future use.

19 5. The United States Marshal shall notify Maricopa County, DO B2230, and
20 DO B2584 of the commencement of this action and request waiver of service of the
21 summons pursuant to Federal Rule of Civil Procedure 4(d). The notice to Defendants
22 shall include a copy of this Order. The Marshal shall file waivers of service of the
23 summons or requests for waivers that were returned as undeliverable as soon as they are
24 received. If a waiver of service of summons is returned as undeliverable or is not returned
25 by Defendants within thirty days from the date the request for waiver was sent by the
26 Marshal, the Marshal shall:

27 (a) personally serve copies of the Summons, Second Amended
28 Complaint, and this Order upon Defendants pursuant to Federal Rule of Civil Procedure


1 4(e)(2); and

2 (b) Within ten days after personal service is effected, file the return of
3 service for Defendants, along with evidence of the attempt to secure a waiver of service
4 of the summons and of the costs subsequently incurred in effecting service upon
5 Defendants. The costs of service shall be enumerated on the return of service form
6 (USM-285) and shall include the costs incurred by the Marshal for photocopying
7 additional copies of the Summons, Second Amended Complaint, or this Order and for
8 preparing new process receipt and return forms (USM-285), if required. Costs of service
9 will be taxed against the personally served Defendants pursuant to Federal Rule of Civil
10 Procedure 4(d)(2), unless otherwise ordered by the Court.

11 **6. If Defendants agree to waive service of the Summons and Second**
12 **Amended Complaint, Defendants must return the signed waiver forms to the United**
13 **States Marshal, not the Plaintiff.**

14 7. Defendants shall answer the Second Amended Complaint (as specified
15 above) or otherwise respond by appropriate motion within the time provided by
16 applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

17 Dated this 4th day of December, 2017.

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22 James A. Teilborg
23 Senior United States District Judge
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