IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Ruben Guzman Hernandez,

Plaintiff,

v.

Banner Boswell Medical Center, et al.,

Defendants.

No. CV-16-04238-PHX-GMS (ESW)

ORDER

Pending before the Court is United States Magistrate Judge Eileen S. Willett's Report and Recommendation ("R&R"). Doc. 60. The R&R recommends that the Court dismiss Defendants John Doe Nurse 1, John Doe Nurse 2, and John Doe 3 Banner Security without prejudice for failure to timely serve in accordance with Federal Rule of Civil Procedure 4(m). Doc. 60 at 1. The Magistrate Judge advised the parties that they had fourteen 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 3-4 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

The parties 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

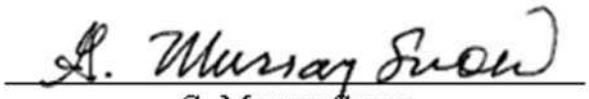
objected to."). The Court will accept the R&R and dismiss Defendants John Doe Nurse 1, John Doe Nurse 2, and John Doe 3 Banner Security without prejudice. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3) ("The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.").

IT IS ORDERED:

1. Magistrate Judge Willett's R&R (Doc. 60) is **ACCEPTED**.

2. The Clerk of Court is directed to dismiss Defendants John Doe Nurse 1, John Doe Nurse 2, and John Doe 3 Banner Security without prejudice.

Dated this 3rd day of May, 2019.



G. Murray Snow
Chief United States District Judge