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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Gerald Corven Cope, III,

10 Plaintiff,

11 v.

12 Unknown Chelmagan,

13 Defendant.
14

No. CV-16-04565-PHX-ROS

ORDER

15 On June 2, 2017, Magistrate Judge Bridget S. Bade issued a Report and
16 Recommendation (“R&R”) recommending the Court dismiss this matter without
17 prejudice for failure to comply with Court orders pursuant to Fed. R. Civ. P. 41(b). (Doc.
18 10.) No objections were filed.

19 A district judge “may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). Where any party
21 has filed timely objections to the R&R, the district court’s review of the part objected to
22 must be *de novo*. *Id.* If, however, no objections are filed, the district court need not
23 conduct such a review. *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz.
24 2003).

25 Accordingly,

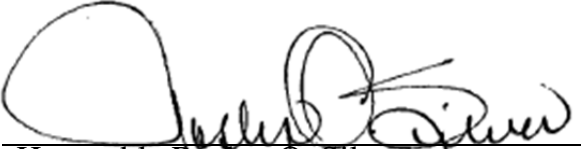
26 **IT IS ORDERED** the Report and Recommendation (Doc. 10) is **ADOPTED** and
27 the matter is **DISMISSED** without prejudice.

28 **IT IS FURTHER ORDERED** a Certificate of Appealability and leave to proceed

1 in forma pauperis on appeal are **DENIED** because the dismissal is justified by a plain
2 procedural bar and jurists of reason would not find the procedural ruling debatable.

3 Dated this 25th day of August, 2017.

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Honorable Roslyn O. Silver
Senior United States District Judge