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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Terry D Day,

10 Plaintiff,

11 v.

12 Charles L Ryan, et al.,

13 Defendants.
14

No. CV-17-00774-PHX-JAT (JFM)

ORDER

15 Pending before the Court is the Report and Recommendation of the Magistrate
16 Judge (“R&R”) recommending that Defendant John Doe be dismissed without prejudice
17 for failure to timely serve pursuant to Federal Rule of Civil Procedure 4(m). No party
18 has filed objections to the R&R.

19 Because no party has filed objections, the Court hereby accepts the R&R. *See*
20 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to
21 conduct “any review at all . . . of any issue that is not the subject of an objection”; *United*
22 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“statute makes it
23 clear that the district judge must review the magistrate judge’s findings and
24 recommendations de novo if objection is made, but not otherwise” (emphasis in
25 original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

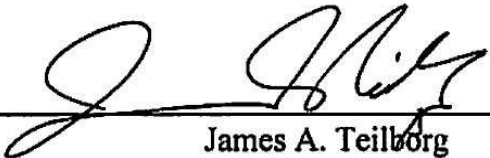
26 Accordingly,

27 **IT IS ORDERED** that the R&R (Doc. 27) is accepted;

28 **IT IS FURTHER ORDERED** that Defendant John Doe is dismissed without

1 prejudice.¹

2 Dated this 22nd day of May, 2018.

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7 James A. Teilborg
8 Senior United States District Judge
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28 ¹ Because another Defendant remains in this case, the Clerk of the Court shall not enter judgment at this time.