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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Hearman Newton,	)	No. CV-17-01100-PHX-SPL
	)	
Plaintiff,	)	<b>ORDER</b>
vs.	)	
	)	
Paul Penzone, et al.,	)	
	)	
Defendants.	)	

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Plaintiff, who was an inmate at Arizona State Prison Complex-Lower Buckeye, filed a pro se Prisoner Civil Rights Complaint on April 13, 2017 (Doc. 1). A Second Amended Complaint was filed on November 9, 2017 (Doc. 13). The Honorable Deborah M. Fine, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 17), recommending that Plaintiff’s Second Amended Complaint (Doc. 13) be dismissed without prejudice for failure to comply with court orders pursuant to Fed. R. Civ. P. 41(b). Judge Fine advised the parties that they had fourteen (14) 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. (Doc. 17) (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)).

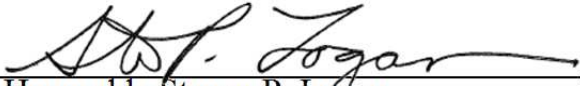
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is

1 not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must  
2 determine de novo any part of the magistrate judge’s disposition that has been properly  
3 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-  
4 taken. The Court will dismiss the second amended complaint without prejudice. *See* 28  
5 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole  
6 or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P.  
7 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition;  
8 receive further evidence; or return the matter to the magistrate judge with instructions.”).  
9 Accordingly,

10 **IT IS ORDERED:**

- 11 1. That Magistrate Judge Deborah M. Fine’s Report and Recommendation  
12 (Doc. 17) is **accepted** and **adopted** by the Court;
- 13 2. That Plaintiff’s Second Amended Complaint (Doc. 13) and this action are  
14 **dismissed without prejudice** for failure to comply with court orders pursuant to Fed. R.  
15 Civ. P. 41(b); and
- 16 3. That the Clerk of Court shall **terminate** this action and enter judgment  
17 accordingly.

18 Dated this 15th day of May, 2018.

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21 Honorable Steven P. Logan  
22 United States District Judge  
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