

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Douglas Wayne Derello, Jr.,
Plaintiff,
vs.
Unknown Jackson, et al.,
Defendants.

No. CV17-1266 PHX DGX

ORDER

Plaintiff Douglas Wayne Derello, Jr. filed a prisoner civil rights complaint on April 27, 2017. Doc. 1. The Court's service order was entered on May 4, 2017. Doc. 6. United States Magistrate James F. Metcalf has issued a report and recommendation ("R&R") recommending that the unserved Defendant in this case, Defendant Olson, be dismissed without prejudice. Doc. 55. No objection has been filed, which relieves the Court of its obligation to review the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). The Court will accept the R&R and dismiss this action as to Defendant Olson, only.

IT IS ORDERED:

1. The R&R (Doc. 55) is **accepted**.
2. The complaint against Defendant Olson is **dismissed without prejudice**.
3. A certificate of appealability and leave to proceed *in forma pauperis* on appeal are **denied**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. The Clerk is directed to **terminate** this action as to Defendant Olson only.
Dated this 12th day of January, 2018.



David G. Campbell
United States District Judge