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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Walter C Goedecke,
10 Plaintiff,

11 v.

12 Lawrence Ende, et al.,
13 Defendants.
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No. CV-17-1555-PHX-JAT (ESW)

ORDER

15 Pending before the Court is the Report and Recommendation of the Magistrate
16 Judge recommending that Defendant Barnett be dismissed, without prejudice, due to
17 Plaintiff's failure to timely serve Defendant Barnett. (Doc. 19).

18 Neither party has filed objections to the Report and Recommendation.
19 Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149
20 (1985) (finding that district courts are not required to conduct "any review at all . . . of
21 any issue that is not the subject of an objection" (emphasis added)); *United States v.*
22 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that
23 the district judge must review the magistrate judge's findings and recommendations de
24 novo if objection is made, but not otherwise" (emphasis in original)); *see also Schmidt v.*
25 *Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

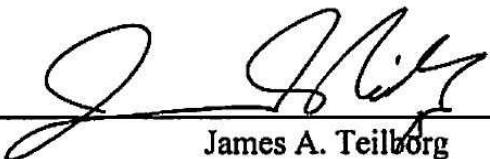
26 Therefore,

27 **IT IS ORDERED** that the Report and Recommendation (Doc. 19) is accepted and
28 adopted.

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IT IS FURTHER ORDERED that Defendant Barnett is dismissed, without prejudice. Because other Defendants remain in this case, the Clerk of the Court shall not enter judgment at this time.

Dated this 13th day of March, 2018.



James A. Teilborg
Senior United States District Judge