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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Michael Aaron Turner,  
Plaintiff,  
vs.  
John Nelson Schneider, et al.,  
Defendants.

No. CV17-4669 PHX DGC (CDB)  
**ORDER**

Plaintiff, Michael Aaron Turner, filed a complaint, first amended complaint, and second amended complaint pursuant to 42 U.S.C. § 1983 (Docs. 1, 5, 8) and motion for leave to proceed in this matter *in forma pauperis* on December 15, 2017 (Doc. 2). Plaintiff was released from custody at some point prior to December 11, 2018. On February 21, 2019, noting that Plaintiff had been released from custody, the Court ordered Plaintiff to either pay the \$350.00 filing fee or file a non-prisoner application to proceed in District Court without prepaying fees or costs. Doc. 17. Plaintiff was warned that his failure to comply with the Order would result in this case being dismissed. *Id.*

The Magistrate Judge granted Plaintiff an additional extension of time to comply with the Court’s Order (Doc. 17) and allowed Plaintiff until April 25, 2019 to either pay the \$350.00 filing fee or file a non-prisoner application to proceed in District Court without prepaying fees or costs. Doc. 21. Plaintiff was again warned that his failure to comply with the Court’s Orders (Docs. 17, 21) would result in the dismissal of this case. Plaintiff has failed to comply with the Court’s orders.

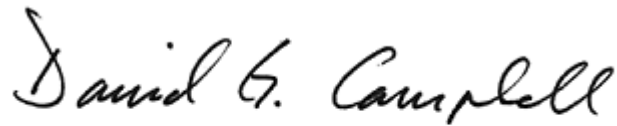
United States Magistrate Judge Camille D. Bibles has issued a report and

1 recommendation (“R&R”) recommending that the second amended complaint be  
2 dismissed without prejudice for Plaintiff’s failure to comply with the Court’s orders.  
3 Doc. 22. No objection has been filed, which relieves the Court of its obligation to review  
4 the R&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S.  
5 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). The  
6 Court will accept the R&R and dismiss Plaintiff’s second amended complaint without  
7 prejudice.

8 **IT IS ORDERED:**

- 9 1. The R&R (Doc. 22) is **accepted**.
- 10 2. Plaintiff’s second amended complaint filed pursuant to 42 U.S.C. § 1983  
11 (Docs. 8) is dismissed without prejudice.
- 12 3. A certificate of appealability and leave to proceed *in forma pauperis* on  
13 appeal are **denied**
- 14 4. The Clerk is directed to **terminate** this action.

15 Dated this 19th day of July, 2019.

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19 David G. Campbell  
20 Senior United States District Judge  
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