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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Michael Graham, Plaintiff, v. Continental Bancorp, et al., Defendants.	No. CV-17-4806-PHX-DKD **REPORT AND RECOMMENDATION**

TO THE HONORABLE STEPHEN M. MCNAMEE, SENIOR U.S. DISTRICT JUDGE:

The Complaint in this matter was filed December 29, 2017. On April 9, 2018, the Court issued an order directing the Plaintiff to show good cause why this matter should not be dismissed for failure to serve Defendants pursuant to Rule 4(m) of the Federal Rules of Civil Procedure (Doc. 10). In that order Plaintiff was warned that failure to comply with the Court's order may result in the dismissal of this matter. Plaintiff has failed to comply with the Court's order and has not served Defendants in this matter.

Accordingly, **IT IS RECOMMENDED** that the Court dismiss this matter.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment. The parties shall have fourteen days from the date of service of a copy of this recommendation within which to file specific written objections with the Court. *See*, 28 U.S.C. § 636(b)(1); Rules 72, 6(a), 6(b), Federal Rules of Civil Procedure. Thereafter,

the parties have fourteen days within which to file a response to the objections. Failure timely to file objections to the Magistrate Judge's Report and Recommendation may result in the acceptance of the Report and Recommendation by the district court without further review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Failure timely to file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation. *See* Rule72, Federal Rules of Civil Procedure.

Dated this 10th day of May, 2018.

David K. Duncan
United States Magistrate Judge

cc: SMM