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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-17-04806-PHX-DMF  
**ORDER**

Pending before the Court is Magistrate Judge David K. Duncan's<sup>1</sup> Report and Recommendation recommending that this matter be dismissed based on Plaintiff's failure to serve Defendants pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. (Doc. 11.) To date, no objection has been filed.

After considering the Report and Recommendation, the Court will grant Magistrate Judge Duncan's recommendation.

**STANDARD OF REVIEW**

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C); see Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service of a copy of the Magistrate's recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge's recommendation relieves the Court of conducting de novo

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<sup>1</sup> On June 25, 2018, this case was reassigned to Magistrate Judge Deborah Fine.

1 review of the Magistrate Judge’s factual findings and waives all objections to those  
2 findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure  
3 to object to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the  
4 propriety of finding waiver of an issue on appeal.” Id.

5 **DISCUSSION<sup>2</sup>**

6 Having reviewed the Report and Recommendation of the Magistrate Judge, and no  
7 Objections having been made by any party thereto, the Court hereby incorporates and  
8 adopts the Magistrate Judge’s Report and Recommendation.

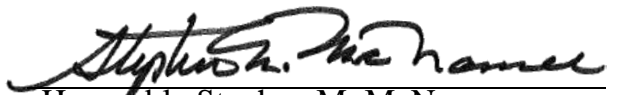
9 **CONCLUSION**

10 Accordingly, for the reasons set forth,

11 **IT IS HEREBY ORDERED** adopting the Report and Recommendation of the  
12 Magistrate Judge. (Doc. 11.)

13 **IT IS FURTHER ORDERED** dismissing this matter without prejudice based  
14 upon Plaintiff’s failure to serve Defendants pursuant to Rule 4(m) of the Federal Rules of  
15 Civil Procedure.

16 Dated this 29th day of June, 2018.

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19 Honorable Stephen M. McNamee  
20 Senior United States District Judge  
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28 <sup>2</sup> The procedural history of this case is set forth in the Magistrate Judge’s Report  
and Recommendation. (Doc. 11.)