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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Cornelius Isaac Hunter,
Plaintiff,
v.
US Corrections Transport, et al.,
Defendants.

No. CV-18-00899-PHX-JAT (JFM)
ORDER

Pending before the Court is the Report and Recommendation (R&R) from the Magistrate Judge recommending the Defendant Simmons be dismissed for failure to timely serve. (Doc. 37). Neither party has file objections to the R&R.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). It is “clear that the district judge must review the magistrate judge’s findings and recommendations *de novo if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, ‘but not otherwise.’”); *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*, 589 F.3d 1027, 1032 (9th Cir. 2009) (the district court “must review *de novo* the portions of the [Magistrate Judge’s] recommendations to which the parties object.”). District courts are not required to conduct “any review at all . . . of any issue that is not the subject of an

1 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28 U.S.C.
2 § 636(b)(1) (“the court shall make a *de novo* determination of those portions of the [report
3 and recommendation] to which objection is made.”).

4 Because neither party objected,

5 **IT IS ORDERED** that the Report and Recommendation (Doc. 37) is accepted;
6 Defendant Simmons is dismissed, without prejudice, for failure to timely serve. Because
7 another Defendant remains in this case, the Clerk of the Court shall not enter judgment at
8 this time.

9 Dated this 14th day of February, 2019.

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