

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DeWitt Lamar Long,
Plaintiff,
v.
Unknown Gray, et al.,
Defendants.

No. CV-20-00097-PHX-SMB (CDB)
ORDER

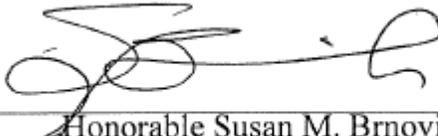
Pending before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Camille Bibles (Doc. 48) recommending that Defendant Gray and Plaintiff’s claims against Defendant Gray be dismissed without prejudice, based on the failure to serve Defendant Gray. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at p. 5) (citing Rule 72(b), Federal Rules of Civil Procedure; Rule 8(b), Rules Governing Section 2254 Proceedings). Plaintiff filed his objection on May 6, 2021 (Doc. 49) and the remaining Defendants filed a response to Plaintiff’s objection on May 18, 2021. (Doc. 50)

The Court has considered the objections and reviewed the Report and Recommendation de novo. See Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The Court agrees with the Magistrate Judge’s determinations, accepts the recommended decision within the meaning of Rule 72(b), Fed. R. Civ. P., and overrules Petitioner’s objections. See 28 U.S.C. §

1 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part,
2 the findings or recommendations made by the magistrate”).

3 **IT IS THEREFORE ORDERED** that Report and Recommendation of the
4 Magistrate Judge (Doc. 48) is accepted and Defendant Gray and Plaintiff’s claims against
5 Defendant Gray are dismissed.

6 Dated this 3rd day of June, 2021.

7
8 
9
10 _____
11 Honorable Susan M. Brnovich
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28