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

Brian S Cooper,  
Plaintiff,  
v.  
Uber Technologies Incorporated,  
Defendant.

**NO. CV-21-01314-PHX-DMF  
MEMORANDUM OF DECISION  
AND ORDER**

This matter was referred to Magistrate Judge Deborah M. Fine for a Report and Recommendation. (Doc. 5.) On October 1, 2021, the Magistrate Judge filed a Report and Recommendation with this Court. (Doc. 18.) The Plaintiff filed a response on October 14, 2021. (Doc. 19.) As no other party has appeared, the Report and Recommendation and Plaintiff's response are ripe for review.

**STANDARD OF REVIEW**

Parties have fourteen days from the service of a copy of a Magistrate's report and recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. The Court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which" a party objects. 28 U.S.C. § 636(b)(1)(C); see also Fed.R.Civ.P. 72(b)(3); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Further, 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)(C); Fed.R.Civ.P. 72(b)(3). At the same time,

1 however, the relevant provision of the Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(C),  
2 “does not on its face require any review at all . . . of any issue that is not the subject of an  
3 objection.” Thomas v. Arn, 474 U.S. 140, 149 (1989); see also Wang v. Masaitis, 416  
4 F.3d 992, 1000 n.13 (9th Cir. 2005). Likewise, it is well-settled that “failure to object to a  
5 magistrate judge’s factual findings waives the right to challenge those findings.” Bastidas  
6 v. Chappell, 791 F.3d 1155, 1159 (9th Cir. 2015) (quoting Miranda v. Anchondo, 684  
7 F.3d 844, 848 (9th Cir. 2012)).

### 8 DISCUSSION

9 Plaintiff timely filed a response to the Report and Recommendation. (Doc. 19.)  
10 However, the response does not include any objections to the Report and  
11 Recommendation. In fact, Plaintiff states that he agrees with the ruling and that he failed  
12 to speak with particularity in his complaint. (Id. at 1.) Accordingly, there are no specific  
13 objections filed and the Court need not make a de novo determination of any portion of  
14 the Report and Recommendation. However, having reviewed the Report and  
15 Recommendation of the Magistrate Judge, the Court finds that Plaintiff should be given  
16 an opportunity to amend his complaint and state his claims with particularity. The Court  
17 otherwise incorporates and adopts the Magistrate Judge’s Report and Recommendation.

### 18 CONCLUSION

19 Accordingly, for the reasons set forth,

20 **IT IS HEREBY ORDERED adopting in part** the Report and Recommendation  
21 of the Magistrate Judge. (Doc. 18.)

22 **IT IS FURTHER ORDERED dismissing without prejudice** Plaintiff’s  
23 complaint (Doc. 1). Plaintiff may amend his complaint **on or before November 26,**  
24 **2021.** Should Plaintiff fail to amend his complaint by this time, this matter will be  
25 dismissed with prejudice without any further notice.

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**IT IS FURTHER ORDERED denying as moot** Plaintiff's motion for an emergency injunction (Doc. 8).

Dated this 27th day of October, 2021.



Honorable Stephen M. McNamee  
Senior United States District Judge