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**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE DISTRICT OF ARIZONA**

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Lon Roger Coleman,

No. CV-12-08199-PCT-JJT

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Plaintiff,

**ORDER**

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v.

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Charles L. Ryan, *et al.*,

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Defendants.

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At issue is Defendants' Motion to Compel and Motion for Discovery Sanctions (Doc. 44), which is based on Plaintiff's repeated and continued failure to provide initial disclosure, continuing disclosure, or otherwise participate in the discovery process as ordered by this Court.

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On May 21, 2014, Magistrate Judge Metcalf, to whom this matter was referred, filed a Report and Recommendation (Doc. 46, Report). In the Report, Magistrate Judge Metcalf, after detailed analysis of applicable statutes and rules, recommended that the Court grant Defendants' motions and enter as an appropriate sanction dismissal of this case without prejudice.

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More than 14 days have elapsed since the entry of the Report, and Plaintiff has filed no objections to it. Even if Plaintiff had objected to the Report, this Court, upon *de novo* review, is persuaded that the recommendation is well taken. Plaintiff has failed to comply with his discovery obligations under Rule 26 of the Federal Rules of Civil Procedure or this Court's orders. An appropriate sanction under Rule 37(c)(1)(C), in light

1 of Plaintiff's continued failure to comply with his obligations and the likelihood that other  
2 sanctions will not sufficiently remedy the noncompliance, is dismissal of this matter  
3 without prejudice.

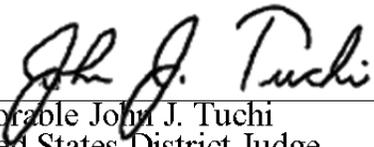
4 **IT IS THEREFORE ORDERED** accepting and adopting the Magistrate Judge's  
5 Report and Recommendation (Doc. 46) as the Order of this Court.

6 **IT IS FURTHER ORDERED** dismissing this matter as to all Defendants without  
7 prejudice.

8 **IT IS FURTHER ORDERED** denying as moot Plaintiff's Motion for  
9 Reconsideration (Doc. 20).

10 **IT IS FURTHER ORDERED** dismissing as moot the Magistrate Judge's other  
11 outstanding Report and Recommendation (Doc. 40), entered March 31, 2014, involving  
12 the dismissal of Defendants Blackard and Gordanier.

13 Dated this 17th day of July, 2014.

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18 Honorable John J. Tuchi  
19 United States District Judge  
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