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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Donald Alphonso Allen,
Plaintiff,
v.
Commissioner of Arizona State Prison, et
al.,
Defendants.

No. CV-13-08048-PHX-GMS

ORDER

Pending before the Court are Plaintiff's Civil Rights Complaint and United States Magistrate Judge Mark E. Aspey's Report and Recommendation ("R&R"). Docs. 1, 32. The R&R recommends that the Court dismiss the Complaint without prejudice. Doc. 32 at 6. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 7 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

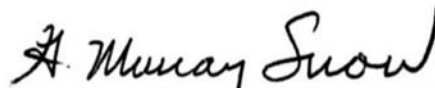
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and dismiss the Complaint without prejudice. *See*

1 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in
2 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.
3 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended
4 disposition; receive further evidence; or return the matter to the magistrate judge with
5 instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Aspey’s R&R (Doc. 32) is **accepted**.
- 8 2. Plaintiff’s Civil Rights Complaint (Doc. 1) is **dismissed without**
9 **prejudice**.
- 10 3. The Clerk of Court shall **terminate** this action and enter judgment
11 accordingly.
- 12 4. The docket shall reflect that the Court certifies, pursuant to 28 U.S.C.
13 § 1915(a)(3) and Federal Rules of Appellate Procedure 24(a)(3)(A), that any appeal of
14 this decision would not be taken in good faith.

15 Dated this 30th day of May, 2014.

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18 G. Murray Snow
19 United States District Judge
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