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

Mario William Fragassi,  
Plaintiff,  
v.  
Unknown Brown, et al.,  
Defendants.

No. CV-13-08140-PCT-GMS  
**ORDER**

Pending before the Court are Petitioner’s Civil Rights Complaint and United States Magistrate Judge James F. Metcalf’s Report and Recommendation (“R&R”). Docs. 1, 11. The R&R recommends that the Court dismiss the Complaint without prejudice for failure to effect service pursuant to Rule 4(m). Doc. 11 at 3. 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 3 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

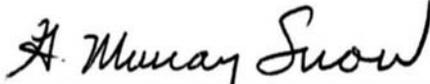
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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-

1 taken. The Court will accept the R&R and dismiss the Complaint without prejudice. *See*  
2 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in  
3 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.  
4 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended  
5 disposition; receive further evidence; or return the matter to the magistrate judge with  
6 instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge James F. Metcalf’s R&R (Doc. 11) is **accepted**.
- 9 2. Plaintiff’s Civil Rights Complaint (Doc. 1) is **dismissed without**  
10 **prejudice**.
- 11 3. The Clerk of Court shall **terminate** this action.
- 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 9th day of January, 2014.

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19 G. Murray Snow  
20 United States District Judge  
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