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

|                             |   |                              |
|-----------------------------|---|------------------------------|
| James Russell Myers,        | ) | No. CV-17-8275-PCT-SMM (BSB) |
| Plaintiff,                  | ) |                              |
| v.                          | ) | <b>ORDER</b>                 |
| Ethan A. Wolfinger, et al., | ) |                              |
| Defendants.                 | ) |                              |

Pending before the Court is Plaintiff’s Complaint. (Doc. 1.) On January 30, 2018, Magistrate Judge Bridget S. Bade filed a Report and Recommendation with this Court. (Doc. 9.) Pursuant to Fed. R. Civ. P. 41(b), Magistrate Judge Bade recommended that Plaintiff’s Complaint be dismissed without prejudice. No objections have been filed.

**STANDARD OF REVIEW**

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service of a copy of the Magistrate’s recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of the Magistrate Judge’s factual findings and waives all objections to those findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of finding waiver of an issue on appeal.”

1 Id.

2 **DISCUSSION**

3 Having reviewed the Report and Recommendation of the Magistrate Judge, and no  
4 Objections having been made, the Court hereby incorporates and adopts the Magistrate  
5 Judge's Report and Recommendation. Plaintiff's Complaint failed to state a valid claim  
6 under 42 U.S.C. § 1983. See Rizzo v. Goode, 423 U.S. 362, 371-72, 377 (1976). Magistrate  
7 Judge Bade ordered Plaintiff to file an Amended Complaint. (Doc. 8.) Despite the Order and  
8 its warning that a failure to comply would result in a dismissal pursuant to Rule 41(b),  
9 Plaintiff did not comply.

10 Accordingly, for the reasons set forth,

11 **IT IS HEREBY ORDERED** that the Court adopts the Report and Recommendation  
12 of Magistrate Judge Bade. (Doc. 9.)

13 **IT IS FURTHER ORDERED** that Plaintiff's Complaint be dismissed without  
14 prejudice pursuant to 28 U.S.C. § 1915(e) and Fed. R. Civ. P. 41(b). The Clerk of the Court  
15 shall enter judgment accordingly and terminate this case.

16 DATED this 20th day of February, 2018.

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