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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Peter Pototsky,

Plaintiff,

vs.

Atlas Air, Inc., et al.,

Defendants.

) No. CV 06-225-TUC-FRZ (CRP)

) **ORDER**

_____)
Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Charles R. Pyle on January 5, 2010.¹ The Report and Recommendation recommends dismissing Defendants John Does 1-5, Thomas J Kassin, Ford, Harris, and AMR Corporation as Plaintiff failed to serve these Defendants. The Report and Recommendation indicated that any party could file written objections within 14 days. The parties have not filed objections to the Report and Recommendation. As such, the Court will not consider any objections or new evidence. The Court has reviewed the record and concludes that Magistrate Judge Pyle’s recommendations are not clearly erroneous. *See* 28

_____)
¹The Court reviews de novo the objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

1 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739
2 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

3 Accordingly, IT IS HEREBY ORDERED as follows:

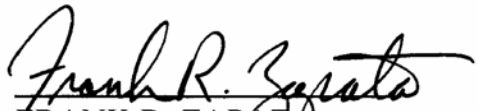
4 (1) United States Magistrate Judge Pyle's Report and Recommendation (Doc. #196) is
5 accepted and adopted.

6 (2) Defendants John Does 1-5, Thomas J. Kassin, Ford, Harris, and AMR Corporation are
7 dismissed without prejudice from this action.

8 (3) As all Defendants have been dismissed from this action, this case is dismissed.

9 (4) The Clerk of the Court shall enter judgment accordingly and close the file in this matter.²

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11 DATED this 5th day of February, 2010.

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15 FRANK R. ZAPATA
16 United States District Judge
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²The Court notes that Plaintiff filed a document entitled "withdrawal of document 197". See Doc. #199. To the extent this is pending as a motion to withdraw (Doc. #199), it is denied.