

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

Olga Clarissa Ortega,)	
)	
Petitioner,)	No. CV 07-463 TUC JMR (HCE)
)	
vs.)	ORDER
)	
Michael J. Astrue; et. al,)	
)	
Respondent.)	
_____)	

This case involves an action by Petitioner against Respondents to compel action on an Application for a Social Security Card for Petitioner. On July 25, 2008, Defendants filed a Motion to Dismiss. On July 28, 2008, Magistrate Judge Hector Estrada entered an order directing Petitioner to file a Response to Respondents’ Motion to Dismiss on or before August 25, 2008, or else risk dismissal of this action pursuant to LR Civ. 7.2(i) without further notice to Petitioner. Despite this warning, Petitioner failed to ever so respond.

On September 19, 2008, Magistrate Judge Estrada issued a Report and Recommendation (“R&R”) to this Court, recommending that the action be dismissed pursuant to L.R.Civ. 7.2(i). Neither party filed an objection to the R&R. When there are no objections to the R&R, the Court will modify or set aside only those portions that are clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F.Supp.2d 1203, 1204 (D. Or. 1998).

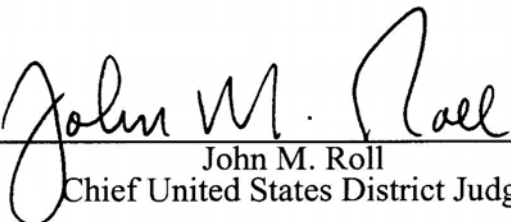
L.R. Civ. 7.2 (i), Rules of Practice of the U.S. District Court for the District of Arizona, states that a party's failure "to serve and file the required answering memoranda [to a motion] . . . may be deemed a consent to the . . . granting of the motion and the Court may dispose of the matter summarily." L.R.Civ. 7.2(i). The Court has carefully reviewed the entire record and concludes that Magistrate Judge Estrada's recommendations are not clearly erroneous or contrary to law. Petitioner's failure to comply with the rules of procedure, coupled with Petitioner's failure to file any objections to Judge Estrada's R&R, warrants dismissal of this action.

Accordingly,

IT IS ORDERED that the **REPORT AND RECOMMENDATION** of Magistrate Judge Estrada (Doc. No. 24) is **ADOPTED**.

IT IS FURTHER ORDERED that CV 07-463 TUC JMR (HCE) be **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court shall issue judgment accordingly.

DATED this 5th day of March, 2009.



John M. Roll
Chief United States District Judge