

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Armando Valles, et al.,

Plaintiffs,

vs.

Pima County, et al.,

Defendants.

No. CV 08-9-TUC-FRZ

ORDER

Pending before the Court is a Report and Recommendation issued by Magistrate Judge Jennifer C. Guerin. In her Report and Recommendation, Magistrate Judge Guerin recommends that the Court enter an Order denying Plaintiffs’ partial motion for summary judgment and granting Pima County’s motion for summary judgment. As the Court finds that the Report and Recommendation appropriately resolved the motions for summary judgment, Plaintiffs’ objections are denied.¹

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). The Court notes that Pima County argues that Plaintiff has improperly attempted to insert new arguments and claims that were not contained in either the Third Amended Complaint, were not at issue during discovery and discovery has closed, or were not properly raised before Magistrate Judge Guerin. *See Pima County Response to Objections* at 4-7. The Court agrees; these new issues are procedurally improper and otherwise do nothing to undermine the analysis leading to the dismissal of this case as discussed in Report and Recommendation.

1 Accordingly, IT IS HEREBY ORDERED as follows:

2 (1) Magistrate Judge Guerin's Report and Recommendation (Doc. 295) is accepted and
3 adopted.

4 (2) Plaintiffs' partial motion for summary judgment (Doc. 276) is denied.

5 (3) Pima County's motion for summary judgment (Doc. 279) is granted and this case is
6 dismissed with prejudice.

7 (4) The Clerk of the Court shall enter judgment and close the file in this case.

8

9 DATED this 2nd day of March, 2011.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

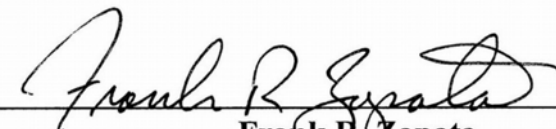
24

25

26

27

28



Frank R. Zapata
Senior United States District Judge