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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Benito Camacho and Lucina Camacho, )  
husband and wife, )  
  
Plaintiff, )  
  
vs. )  
  
Chase Home Finance, )  
  
Defendant. )

No. CV 10-572-TUC-FRZ

**ORDER**

Pending before the Court for consideration is Defendant’s Motion to Dismiss Under Federal Rules of Civil Procedure 12(b)(5) and 12 (b)(6).

This action, originally filed in the Arizona Superior Court in and for the County of Pima and removed to this Court pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1331, was referred to Magistrate Judge Jacqueline Marshall for all pretrial proceedings and report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv 72.1 and LRCiv 72.2 of the Rules of Practice of the United States District Court for the District of Arizona, Local Rules of Civil Procedure.

Defendant filed its motion to dismiss on November 15, 2010.

On November 18, 2010, Magistrate Judge Marshall issued an Order advising the Plaintiff that Defendant had filed a motion to dismiss and of the specific provisions of LRCiv 7.2 required in filing a response and the consequences of non-compliance, including the granting of the motion and dismissal of this action with prejudice.

1 Plaintiffs failed to file a response to the motion to dismiss as ordered and have failed  
2 to file any documents as of the filing date of this Order.

3 Magistrate Judge Marshall issued her Report and Recommendations on January 6,  
4 2011, recommending that the District Court, after its independent review of the record, enter  
5 an order granting Defendant's Motion to Dismiss pursuant to LRCiv 7.2(i), based on  
6 Plaintiffs' failure to respond to the pending motion to dismiss.

7 The Report and Recommendation advised "the parties shall have fourteen (14) days  
8 from the date of service of a copy of this recommendation within which to file specific  
9 written objections with the District Court. *See* 28 U.S.C. § 636(b)(1) and Rules 72(b), 6(a)  
10 and 6(e) of the Federal Rules of Civil Procedure. . . . Failure to timely file objections to any  
11 factual or legal determination of the Magistrate Judge may be considered a waiver of a party's  
12 right to *de novo* consideration of the issues. *See United States v. Reyna-Tapia* 328 F.3d  
13 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*).

14 No objections were filed.

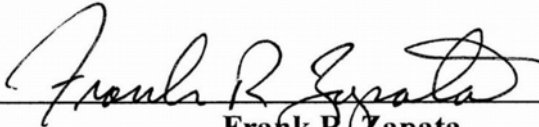
15 The Court finds, after consideration of the Report and Recommendation, and no  
16 objections filed thereto, that the findings of the Magistrate Judge shall be accepted and  
17 adopted as the findings of fact and conclusions of law of the Court. Based on the foregoing,

18 **IT IS ORDERED** that Magistrate Judge Marshall's Report and Recommendation  
19 (Doc. 11) is hereby **ACCEPTED** and **ADOPTED** as the findings of fact and conclusions  
20 of law by this Court;

21 **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (Doc. 9) is  
22 **GRANTED**;

23 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment  
24 accordingly.

25  
26 DATED this 4<sup>th</sup> day of April, 2011.

27   
28 **Frank R. Zapata**  
**Senior United States District Judge**