

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**

<b>Roy Warden,</b>	)	<b>CV-13-283-TUC-DCB</b>
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>ORDER</b>
<b>Bob Walkup, et al.,</b>	)	
<b>Defendants.</b>	)	

---

Magistrate Judge Velasco issued his Report and Recommendation on August 8, 2013, recommending that the District Court grant Plaintiff’s motion to proceed in forma pauperis and dismiss Defendants Walkup, Kozachik, Miranda, Rankin, Riojas, Villasenor, Couch and the City of Tucson from the action. A copy was sent to all parties on August 8, 2013, notifying all parties that written objections must be filed within fourteen days of service. 28 U.S.C. §636(b). No objections to the Magistrate Judge’s Report and Recommendation have been filed. Fed.R.Civ.P. 72. Plaintiff filed a First Amended Complaint which is substantially similar to the original Complaint and contains the same legal infirmities as described by the Report and Recommendation. Consequently, any objections that have not been raised are waived and will not be addressed by the Court.

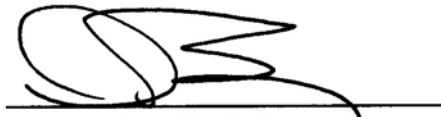
The Court, having made an independent review of the record, orders as follows:

IT IS ORDERED that Magistrate Judge Velasco’s Report and Recommendation (Doc. 6) is ACCEPTED and ADOPTED by this Court as the findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff’s Motion to Proceed In Forma Pauperis is GRANTED.

1 IT IS FURTHER ORDERED that Plaintiff is granted leave to effect service of the  
2 original Complaint and the First Amended Complaint with a copy of the Report and  
3 Recommendation and this Order on the remaining Defendant Robinson. Plaintiff must  
4 comply with the Federal Rules of Civil Procedure Rule 4(m) with reference to service of the  
5 Summons and Complaint.

6 DATED this 22<sup>nd</sup> day of August, 2013.

7  
8  
9   
10 David C. Bury  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28