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

Kennon Simington,

Plaintiff,

v.

Arizona, et al.,

Defendants.

No. CV-13-00381-TUC-JGZ (BGM)

**ORDER**

On April 4, 2014, Magistrate Judge Bruce G. Macdonald issued a Report and Recommendation (R&R) (Doc. 29) in which he recommended (1) granting Plaintiff's Amended Application to Proceed without Prepaying Fees or Costs (Doc. 26), (2) dismissing Plaintiff's Amended Complaint (Doc. 11) for failure to state a claim, and (3) denying as moot Defendants Wendy Million and Brian Knight's Motion for Summary Judgment. (Doc. 27.) The R&R provided that any party could file written objections within fourteen (14) days after being served with a copy of the R&R. No objections have been filed. After an independent review of the record, the Court adopts the R&R, as modified by this Order.

**STANDARD OF REVIEW**

The Court reviews de novo the objected-to portions of the R&R. 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 R&R. *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).

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