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

Roy Warden,

Plaintiff,

v.

Phyllis Russell, individually and in her  
official capacity, et al.,

Defendants.

No. 4: 15-CV-361-TUC-JAS

**ORDER**

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Rateau that recommends granting Plaintiff's Motion to Amend (Doc. 17) and Motion to Remand (Doc. 15). A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. As such, the Court will not consider any objections or new evidence.

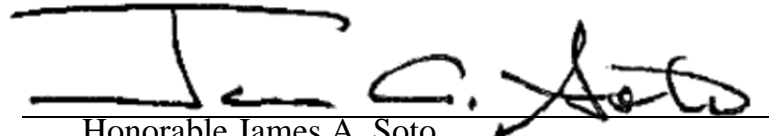
The Court has reviewed the record and concludes that Magistrate Judge Rateau's recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (holding that portions of a report and recommendation to which objections have not been filed are reviewed for clear error); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

Accordingly, IT IS HEREBY ORDERED as follows:

(1) Magistrate Judge Rateau's Report and Recommendation (Doc. 24) is accepted and adopted.

1 (2) Plaintiff's Motion to Amend (Doc. 17) and Motion to Remand (Doc. 15) are  
2 GRANTED. The Clerk of the Court is ordered to close the file in this case and notify the  
3 Pima County Superior Court that the case has been remanded.  
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5 Dated this 20th day of January, 2016.  
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8 A handwritten signature in black ink, appearing to read 'J. A. Soto', is written over a horizontal line.

9  
10 Honorable James A. Soto  
United States District Judge  
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