

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Gerald Markham,  
Plaintiff,  
vs.  
Pima County, et al.  
Defendants.

No. CV 16-134-TUC-JAS (JR)

**ORDER**

Pending before the Court is a Report and Recommendation issued by Magistrate Judge Rateau. In the Report and Recommendation, Magistrate Judge Rateau recommends granting in part and denying in part Defendants’ motion to dismiss. As the Court finds that the Report and Recommendation appropriately resolved the motion, both Defendants’ and Plaintiff’s objections are denied.<sup>1</sup>

Accordingly, IT IS HEREBY ORDERED as follows:

(1) Magistrate Judge Rateau’s Report and Recommendation (Doc. 38) is accepted and adopted in its entirety.

(2) Defendants’ motion to dismiss (Doc. 23) is granted in part and denied in part as

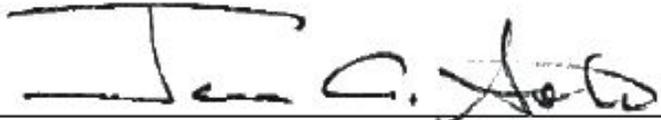
---

<sup>1</sup>The 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. See *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).

1 discussed in the Report and Recommendation.  
2 (3) The motion for an extension of time (Doc. 42) is granted  
3 (4) This case is hereby referred back to Magistrate Judge Rateau for all pretrial  
4 proceedings and report and recommendation in accordance with the provisions of 28  
5 U.S.C. § 636(b)(1), Fed.R.Civ.P. 72, and LRCiv 72.1, 72.2, and 72.3 of the Rules of  
6 Practice of the United States District Court for the District of Arizona.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED this 1<sup>st</sup> day of December, 2016.

  
\_\_\_\_\_  
James A. Soto  
United States District Judge