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

Virgil L Light,

Plaintiff,

v.

Karl D Elledge, et al.,

Defendants.

No. CV-16-00190-TUC-RM (JR)

ORDER

On September 1, 2016, Magistrate Judge Jacqueline M. Rateau issued a Report and Recommendation (Doc. 15) recommending that this Court grant Defendants' Motion to Dismiss (Doc. 8). No objections to the Report and Recommendation were filed, and the deadline for filing objections has expired.

A district judge must "make a de novo determination of those portions" of a magistrate judge's "report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). The advisory committee's notes to Rule 72(b) of the Federal Rules of Civil Procedure state that, "[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation" of a magistrate judge. Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition. *See also Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) ("If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error."); *Prior v. Ryan*, CV 10-225-TUC-RCC, 2012 WL 1344286, at *1 (D. Ariz. Apr. 18, 2012) (reviewing for

1 clear error unobjected-to portions of Report and Recommendation).

2 The Court has reviewed Judge Rateau's Report and Recommendation, the parties'
3 briefs, and the record. The Court finds no error in Judge Rateau's Report and
4 Recommendation. Accordingly,

5 **IT IS ORDERED** that the Report and Recommendation (Doc. 15) is **accepted**
6 **and adopted in full.**

7 **IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss (Doc. 8) is
8 **granted.** Plaintiff's Complaint (Doc. 1) is **dismissed with leave to amend**, subject to
9 the limitations described in Judge Rateau's Report and Recommendation. Within **30**
10 **days** from the date this Order is filed, Plaintiff may file an amended complaint that cures
11 the deficiencies outlined in Judge Rateau's Report and Recommendation.

12 **IT IS FURTHER ORDERED** that if Plaintiff fails to file an amended complaint
13 within 30 days, the Clerk of Court shall, without further notice, dismiss this action with
14 prejudice.

15 Dated this 16th day of November, 2016.

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19 _____
20 Honorable Rosemary Marquez
21 United States District Judge
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