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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Arthur D'Amario III,	)	No. CV 16-0639-TUC-JAS (JR)
Plaintiff,	)	<b>ORDER</b>
vs.	)	
United States of America,	)	
Defendant.	)	

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Pending before the Court is a Report and Recommendation issued by Magistrate Judge Jacqueline M. Rateau. In the Report and Recommendation, Magistrate Judge Rateau recommends that Defendant's Motion to Dismiss (Doc. 8) be granted. As the Court finds that the Report and Recommendation appropriately resolved the Defendant's Motion to Dismiss (Doc. 8), the objection is denied.<sup>1</sup>

Accordingly, IT IS HEREBY ORDERED as follows:  
(1) Magistrate Judge Rateau's Report and Recommendation (Doc. 21) is accepted and adopted.  
(2) Defendant's Motion to Dismiss (Doc. 8), which was converted into a Motion for

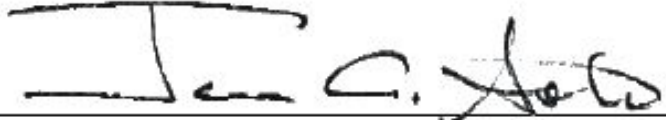
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<sup>1</sup>The Court reviews de novo the objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. See *Johnson 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 Summary Judgment (Doc. 14), is granted and this matter is dismissed.

2 (3) The Clerk of the Court is directed to enter judgment and close the case file.

3 DATED this 6<sup>th</sup> day of September, 2017.

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6 James A. Soto  
7 United States District Judge  
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