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

Zackery Blaylock,

Plaintiff,

v.

United States of America,

Defendant.

No. CV-17-00006-TUC-RM (LCK)

ORDER

On April 12, 2017, Magistrate Judge Lynnette C. Kimmins issued a Report and Recommendation (Doc. 9) recommending that this Court dismiss Plaintiff's Complaint with leave to amend, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii). No objections to the Report and Recommendation were filed.

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

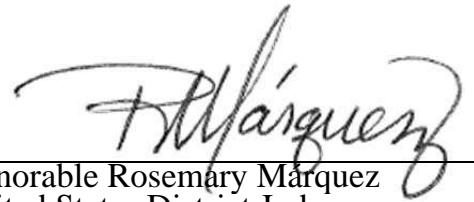
1 clear error unobjected-to portions of Report and Recommendation).

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

5 **IT IS ORDERED** that the Report and Recommendation (Doc. 9) is **accepted and**
6 **adopted in full.**

7 **IT IS FURTHER ORDERED** that Plaintiff's Complaint (Doc. 1) is **dismissed**
8 with leave to amend, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii). Within 30 days
9 from the date this Order is filed, Plaintiff shall file a First Amended Complaint which
10 cures the deficiencies outlined in Judge Kimmins's Report and Recommendation. If
11 Plaintiff fails to file a First Amended Complaint within thirty (30) days, the Clerk of
12 Court is directed to dismiss this action without prejudice, without further notice to
13 Plaintiff.

14 Dated this 16th day of May, 2017.

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18 Honorable Rosemary Marquez
19 United States District Judge
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