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

JoAn Ada Gividen,
Plaintiff,
v.
Luciano Fochesatto, et al.,
Defendants.

No. CV-17-00118-TUC-JGZ (BGM)
ORDER

Pending before the Court is a Report and Recommendation issued by United States Magistrate Bruce A. Macdonald that recommends granting Defendants’ Request for Summary Ruling on Motion to Dismiss and denying as moot Defendants’ Motion to Dismiss. (Doc. 16.) 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 Macdonald’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); see also *Conley v. Crabtree*, 14 F.Supp.2d 1203, 1204 (D. Or. 1998).

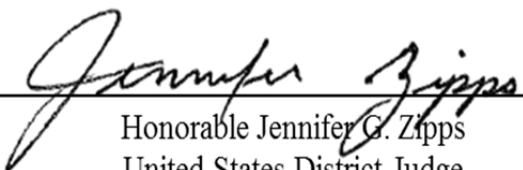
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Accordingly, IT IS HEREBY ORDERED as follows:

1. Magistrate Judge Macdonald’s Report and Recommendation (Doc. 16) is accepted and adopted;
2. Defendants’ Request for Summary Ruling on Motion to Dismiss (Doc. 15) is GRANTED;
3. Defendants’ Motion to Dismiss (Doc. 12) is DENIED AS MOOT;
4. This matter is DISMISSED WITHOUT PREJUDICE;
5. The Clerk of the Court shall close the file in this matter.

Dated this 27th day of September, 2017.



Honorable Jennifer G. Zipp
United States District Judge