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

Penni Anifer, et al.,  
  
                                Plaintiffs,  
  
v.  
  
Clement Trucking LLC, et al.,  
  
                                Defendants.

No. CV-23-00518-TUC-SHR (MSA)  
  
**Order Accepting R&R with No  
Objections (Default Judgment)**

On August 21, 2024, Magistrate Judge Maria S. Aguilera issued a Report and Recommendation (“R&R”) in which she recommended the Court grant Plaintiffs’ Motion for Entry of Default Judgment. (Doc. 18 at 1, 7.) The R&R notified the parties they had fourteen (14) days after being served with a copy of the R&R to file any objections. (*Id.* at 7.) Plaintiff mailed a copy of the R&R via U.S. mail to Defendants. (Doc. 19.)

If neither party objects to a magistrate judge’s report and recommendation, the District Court is not required to review the magistrate judge’s decision under any specified standard of review. *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (district court only needs to review magistrate judge’s findings and recommendations *de novo* if objection is made). However, the statute for review of a magistrate judge’s recommendation “does not preclude further review by the district judge, *sua sponte* or at the request of a party, under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154.

In this case, Defendants were served on September 4, 2024 when Plaintiffs mailed

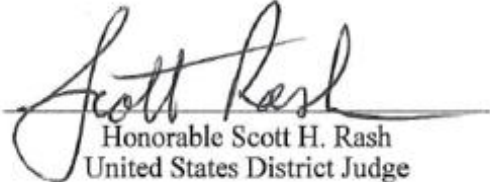
1 a copy of the R&R to Defendants' last known address. *See* Fed. R. Civ. P. 5(b)(2)(C).  
2 Consequently, the deadline for filing objections has passed and neither party has requested  
3 additional time file an objection despite the warning from Judge Aguilera indicating  
4 “[f]ailure to file timely objections to any factual or legal determination of the Magistrate  
5 Judge may result in waiver of the right of review.” (Doc. 18 at 7.) Therefore, the Court  
6 will adopt the R&R on that basis alone. *See Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
7 1226 (D. Ariz. 2003) (district court declined to review the magistrate judge’s report  
8 because no objections were filed).

9 Accordingly,

10 **IT IS ORDERED**

- 11 1) Magistrate Judge Aguilera's Report and Recommendation (Doc. 18) is  
12 **ACCEPTED.**
- 13 2) Plaintiff's Motion for Entry of Default Judgment (Doc. 16) is **GRANTED.**
- 14 3) Default judgment is entered in favor of Plaintiff Penni Anifer in the amount of  
15 \$18,225. As to Plaintiff Anifer, all Defendants are jointly and severally liable  
16 for \$5,760, and that Defendants Clement Trucking LLC and Archie Lane LLC  
17 are jointly and severally liable for \$12,465.
- 18 4) Default judgment is entered in favor of Plaintiff Kevin Sisk in the amount of  
19 \$10,650. As to Plaintiff Sisk, all Defendants are jointly and severally liable for  
20 \$3,840, and that Defendants Clement Trucking LLC and Archie Lane LLC are  
21 jointly and severally liable for \$6,810.
- 22 5) Plaintiffs shall be awarded post-judgment interest at the current rate pursuant to  
23 28 U.S.C. § 1961.
- 24 6) The Clerk of Court shall enter judgment accordingly and close the file in this  
25 case.

26 Dated this 24th day of September, 2024.

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Honorable Scott H. Rash  
United States District Judge