

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARGARITA GONZALEZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-14-291-D
	)	
JUSTIN JONES, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, Margarita Gonzalez, a Texas state prisoner appearing with counsel,<sup>1</sup> brings this civil rights action pursuant to 42 U.S.C. § 1983 alleging violations of her federal constitutional rights and also brings supplemental state law claims. In accordance with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Gary Purcell for initial proceedings. In a Second Supplemental Report and Recommendation [Doc. No. 38] issued on December 29, 2014, the Magistrate Judge recommended dismissal of the remaining Defendants, Fuller, Paxson, Fox, Delosier, Johnson, Anajobi, Simon, Holmes, and Bennett, on grounds Plaintiff did not timely serve these defendants as required by Fed. R. Civ. P. 4(m).

The Magistrate Judge specifically advised the parties of their right to object to the findings and recommendations set forth in the Second Supplemental Report and Recommendation. He further advised the parties that failure to timely object would constitute a waiver of their right to appellate review of the factual and legal matters in the Report and Recommendation. The parties' deadline for filing objections was January 20, 2015.

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<sup>1</sup>As the Magistrate Judge noted, Plaintiff is represented by two attorneys, Michael Arnett and Justin Lowe. Neither attorney, however, has entered an appearance in this action as required by LCvR 83.4.

To date, the parties have not filed an objection to the Second Supplemental Report and Recommendation or sought an extension of time in which to do so. Moreover, the Court has reviewed the Second Supplemental Report and Recommendation and agrees with the analysis set forth therein.

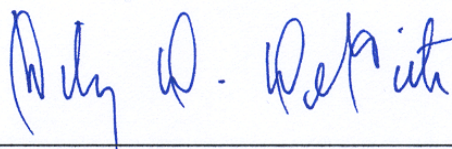
The record reflects that Motions to Quash [Doc. Nos. 39-40] have been filed by Defendants Paxson, Delozier and Rosas.<sup>2</sup> In light of the Magistrate Judge's Second Supplemental Report and Recommendation and the instant Order adopting the same, the Motions to Quash are moot.

IT IS THEREFORE ORDERED that the Second Supplemental Report and Recommendation [Doc. No. 38] is ADOPTED in its entirety. The action is dismissed without prejudice against the remaining defendants, Fuller, Paxson, Fox, Delosier, Johnson, Anajobi, Simon, Holmes, and Bennett, on grounds Plaintiff did not timely serve these defendants as required by Fed. R. Civ. P. 4(m).

IT IS FURTHER ORDERED that the Motions to Quash [Doc. Nos. 39-40] of Defendants Paxson, Delozier and Rosas are denied as MOOT.

A separate judgment of dismissal will be entered herewith.

IT IS SO ORDERED this 26<sup>th</sup> day of January, 2015.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>Defendant Melissa Rosas states that she has been identified by Plaintiff as Melissa Fox. *See* Defendant Melissa Rosas' Motion to Quash [Doc. No. 40] at p. 1, footnote 1.