IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Alfredo Bruce Martinez, Plaintiff, v. Charles L Ryan, et al., Defendants.	No. CV-19-04449-PHX-DLR (JFM) **ORDER**

United States Magistrate Judge James F. Metcalf issued a Report and Recommendation ("R&R"), and advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *See* Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). No party objected, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985); Fed. R. Civ. P. 72(b)(3). The Court nonetheless has reviewed the R&R and finds that it is well-taken.

IT IS ORDERED that Magistrate Judge Metcalf's R&R (Doc. 124) is **ACCEPTED** as follows:

1. Plaintiff's Motion to Dismiss (Doc. 116) is **GRANTED**.
2. Defendants Evans, Ryan, Hawley, Harkey, and Atwood are **DISMISSED WITHOUT PREJUDICE**.

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3. Counts 1, 3, 4, 5, and 6 of the First Amended Complaint (Doc. 100) are **DISMISSED WITHOUT PREJUDICE.**
4. Defendant Gomez is required to respond to the Eighth Amendment excessive force claim in Count 2 and the First Amendment retaliation claim in Count 8 of the First Amended Complaint.
5. Defendant Bernal is required to respond to the First Amendment access claim in Count 7 of the First Amended Complaint

Dated this 4th day of January, 2021.

Douglas L. Rayes
United States District Judge