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

John Laake,
Plaintiff,
v.
Dirty World LLC, et al.,
Defendants.

No. CV-19-05444-PHX-DMF
ORDER

Before the Court is Plaintiff’s Motion to Amend Complaint and file the proposed First Amended Complaint. (Doc. 17.) On December 31, 2019, Plaintiff filed a Motion to Amend Complaint and attached a proposed First Amended Complaint with drafting changes. (Id.) The matter was referred to Magistrate Judge Deborah M. Fine for a Report and Recommendation. (Doc. 20.) On January 8, 2020, Magistrate Judge Fine filed a Report and Recommendation, recommending that Plaintiff be permitted to file the proposed First Amended Complaint with the drafting changes indicated by Plaintiff; however, not permitting Plaintiff to include in his proposed First Amended Complaint changes that relate to GoDaddy Inc. (Id.) Further, Magistrate Judge Fine recommends that Plaintiff not be permitted to add GoDaddy Inc. as a defendant as set forth in his proposed First Amended Complaint. (Id.) To date, no objections have been filed.

I. STANDARD OF REVIEW

When reviewing a Magistrate Judge’s Report and Recommendation, this Court must “make a de novo determination of those portions of the report ... to which objection is

1 made,” and “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate judge.” 28 U.S.C. § 636 (b)(1)(C); see also
3 Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991) (citing Britt v. Simi Valley Unified
4 Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983)). Failure to object to a Magistrate Judge’s
5 recommendation relieves the Court of conducting de novo review of the Magistrate Judge’s
6 factual findings; the Court then may decide the dispositive motion on applicable law. Orand
7 v. United States, 602 F.2d 207, 208 (9th Cir. 1979) (citing Campbell v. United States Dist.
8 Court, 501 F.2d 196 (9th Cir. 1974)).

9 By failing to object to a Report and Recommendation, a party waives its right to
10 challenge the Magistrate Judge’s factual findings, but not necessarily the Magistrate
11 Judge’s legal conclusions. Baxter, 923 F.2d at 1394; see also Turner v. Duncan, 158 F.3d
12 449, 455 (9th Cir. 1998) (failure to object to Magistrate Judge’s legal conclusion “is a
13 factor to be weighed in considering the propriety of finding waiver of an issue on appeal”);
14 Martinez v. Ylst, 951 F.2d 1153, 1156 (9th Cir. 1991) (citing McCall v. Andrus, 628 F.2d
15 1185, 1187 (9th Cir. 1980)).

16 **II. DISCUSSION**

17 Having reviewed the Report and Recommendation of the Magistrate Judge, and no
18 objections having been made by any party thereto, the Court hereby incorporates and
19 adopts the Magistrate Judge’s Report and Recommendation.

20 **III. CONCLUSION**

21 Accordingly,

22 **IT IS HEREBY ORDERED adopting** the Report and Recommendation of the
23 Magistrate Judge. (Doc. 20.)

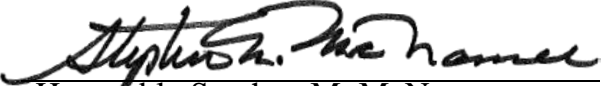
24 **IT IS FURTHER ORDERED** granting in part and denying in part Plaintiff’s
25 Motion to Amend Complaint. (Doc. 17.)

26 **IT IS FURTHER ORDERED** permitting Plaintiff to file the proposed First
27 Amended Complaint with the drafting changes indicated by Plaintiff in the proposed First
28 Amended Complaint attached to Plaintiff’s motion. However, Plaintiff is not permitted to

1 include in his proposed First Amended Complaint changes that relate to GoDaddy Inc.

2 **IT IS FURTHER ORDERED** that Plaintiff is not permitted to add GoDaddy Inc.
3 as a defendant in this action.

4 Dated this 6th day of March, 2020.

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7 Honorable Stephen M. McNamee
8 Senior United States District Judge
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