

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Craig Arthur Iams v. FBI, et al.

No. CV-25-04422-PHX-CDB (D. Ariz. Mar. 10, 2026) · No. No. CV-25-04422-PHX-CDB · Decided March 10, 2026

SUMMARY

The United States District Court for the District of Arizona reviewed a Magistrate Judge’s Report and Recommendation in Craig Arthur Iams’s action against the FBI and other defendants. The court modified the recommendation, dismissed the complaint without prejudice and without leave to amend, denied the plaintiff’s pending motions as moot, and directed the Clerk to terminate the action.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Stephen M. McNamee
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 10, 2026
DOCKET	No. CV-25-04422-PHX-CDB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of the complaint and denial of the plaintiff's pending motions. No objections were filed.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), the district court may accept, reject, or modify a magistrate judge's findings or recommendations in whole or in part. Specific objections trigger de novo review of the objected-to portions; failure to object waives objections to factual findings on appeal and relieves the district court of conducting de novo review of those findings.
PRECEDENTIAL VALUE	unpublished
PARTIES	Craig Arthur Iams v. FBI, et al.

TOPICS

- civil procedure
- civil rights

PRACTICE AREAS

civil procedure

civil rights

federal courts

QUESTIONS PRESENTED

1. Whether the district court should accept, reject, or modify the magistrate judge's Report and Recommendation when no objections were filed.
2. Whether the complaint should be dismissed without prejudice and without leave to amend.
3. Whether the plaintiff's application to proceed in forma pauperis, motion to allow electronic filing, and motion for service by U.S. Marshals should be denied as moot.

HOLDINGS

1. The district court may incorporate and modify the magistrate judge's Report and Recommendation, and, after reviewing the unobjected-to recommendation, dismissed the complaint without prejudice and without leave to amend.
2. When no party objects to a magistrate judge's recommendation, the district court is relieved of conducting de novo review of the magistrate judge's factual findings, and objections to those findings are waived on appeal.

KEY QUOTATIONS

"Having reviewed the R&R of the Magistrate Judge, and no Objections having been made by any party thereto, the Court hereby incorporates and modifies the R&R to dismiss the Complaint without prejudice." (at 2)

"A failure to object to a Magistrate Judge's conclusion "is a factor to be weighed in considering the propriety of finding waiver of an issue on appeal."" (at 3)

FACTUAL BACKGROUND

The plaintiff filed a civil complaint and applications or motions to proceed in forma pauperis, to file electronically as a self-represented party, and for service by U.S. Marshals. The magistrate judge recommended dismissal of the complaint and denial of the other motions as moot. No party filed objections to the Report and Recommendation.

PROCEDURAL HISTORY

The action was assigned to Magistrate Judge Camille D. Bibles, who issued a Report and Recommendation on January 27, 2026. The R&R recommended dismissing the complaint and denying the application to proceed in forma pauperis, motion for electronic filing, and motion for service by U.S. Marshals as moot. The district court incorporated and modified the R&R, dismissed the complaint without prejudice and without leave to amend, denied the remaining motions as moot, and directed the Clerk to terminate the action.

DISPOSITION

dismissed

CASES CITED

- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Denton v. Hernandez, 504 U.S. 25, 34 (1992)

OPINION

Iams

PER CURIAM.

1 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Craig Arthur Iams, No. CV-25-04422-PHX-CDB 10 Plaintiff, ORDER 11 v. 12 FBI, et al., 13
Defendants. 14 15 This matter was assigned to Magistrate Judge Camille D. Bibles. (Doc. 6). On
16 January 27, 2026, the Magistrate Judge filed a Report and Recommendation (“R&R”) with
17 this Court.¹ (Doc. 12). The Magistrate Judge recommends dismissing Plaintiff’s Complaint 18
(Doc. 1) and denying Plaintiff’s Application to Proceed In Forma Pauperis (Doc. 3), 19 Motion to
Allow Electronic Filing (Doc. 4), and Motion for Service by U.S. Marshals (Doc. 20 1 This case is
assigned to a Magistrate Judge. However, not all parties have consented to the jurisdiction of the
Magistrate Judge. Thus, the matter is before this Court pursuant 21 to General Order 21-25, which
states in relevant part: 22 When a United States Magistrate Judge to whom a civil action has been
assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be 23 appropriate but lacks the
jurisdiction to do so under 28 U.S.C. § 636(c)(1) due to incomplete status of election by the parties
to consent or not consent 24 to the full authority of the Magistrate Judge, 25 IT IS ORDERED that
the Magistrate Judge will prepare a Report and Recommendation for the Chief United States
District Judge or designee. 26 IT IS FURTHER ORDERED designating the following District
Court 27 Judges to review and, if deemed suitable, to sign the order of dismissal on my behalf: 28
Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee 1 5) as moot. To date,
no objections have been filed.

2 STANDARD OF REVIEW

3 The Court “may accept, reject, or modify, in whole or in part, the findings or 4 recommendations
made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v. 5 Sullivan, 923 F.2d 1391, 1394
(9th Cir. 1991). Parties have fourteen days from the service 6 of a copy of the Magistrate’s
recommendation within which to file specific written 7 objections to the Court. 28 U.S.C. § 636(b)
(1); Fed. R. Civ. P. 6, 72. Failure to object to a 8 Magistrate Judge’s recommendation relieves the
Court of conducting de novo review of 9 the Magistrate Judge’s factual findings and waives all

objections to those findings on 10 appeal. See *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a 11 Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of 12 finding waiver of an issue on appeal.” *Id.*

13 DISCUSSION2

14 Having reviewed the R&R of the Magistrate Judge, and no Objections having been 15 made by any party thereto, the Court hereby incorporates and modifies the R&R to dismiss 16 the Complaint without prejudice.3

17 CONCLUSION

18 Accordingly, 19 IT IS ORDERED modifying the Report and Recommendation of the Magistrate 20 Judge. (Doc. 12). 21 IT IS FURTHER ORDERED dismissing Plaintiff’s Complaint without 22 prejudice and without leave to amend. (Doc. 1). 23 IT IS FURTHER ORDERED denying Plaintiff’s Application to Proceed In 24 25 2 The factual and procedural history of this case is set forth in the Magistrate Judge’s Report and Recommendation (Doc. 12). 26 3 “[A] § 1915(d) dismissal is not a dismissal on the merits, but rather an exercise of the 27 court’s discretion under the in forma pauperis statute. . . .It could, however, have a res judicata effect on frivolousness determinations for future in forma pauperis petitions.” 28 *Denton v. Hernandez*, 504 U.S. 25, 34 (1992). 1 || Forma Pauperis as moot. (Doc. 3). 2 IT IS FURTHER ORDERED denying Plaintiffs Motion to Allow Electronic || Filing by a Party Appearing Without an Attorney as moot. (Doc. 4). 4 IT IS FURTHER ORDERED denying Plaintiff’s Motion for Service by U.S. 5 || Marshals as moot. (Doc. 5). 6 IT IS FURTHER ORDERED directing the Clerk of Court to terminate this action. 7 Dated this 10th day of March, 2026. 8 10 Stephen M. McNamee Senior United States District Judge 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -3-