

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JERRY DEAN CARTER,	)	CIVIL NO. 18-00178 HG-RLP
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
IVAN VAN LEER,	)	
	)	
Defendant.	)	
_____	)	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION  
TO GRANT PLAINTIFF'S APPLICATION TO PROCEED WITHOUT PREPAYMENT  
OF FEES AND DISMISS THE COMPLAINT WITH PREJUDICE AS  
MODIFIED (ECF No. 5)

Findings and Recommendation having been filed and served on all parties on May 25, 2018, and no objections having been filed by any party,

IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.2, the "Findings and Recommendation that the District Court Grant Plaintiff's Application to Proceed Without Prepayment of Fees and Dismiss the Complaint with Prejudice" (ECF No. 5) are adopted as the opinion and order of this Court with the following modifications:

On Page 3, remove the quotation marks on Lines 1 and 4

On Page 3, Line 12, after "662" insert ", 678"

On Page 6, Line 3-4, replace "Lopez v. Smith, 203 F.3d 1122, 1126 (9th Cir. 2000) (en banc)" with "Lopez, 203 F.3d at 1127"

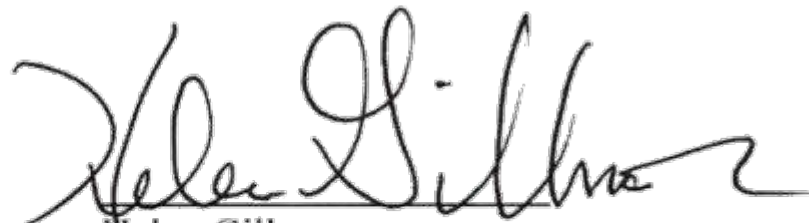
Plaintiff's application to proceed without prepayment of

fees is **GRANTED**. Plaintiff has failed to state a claim in his Complaint and amendment would be futile. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

DATED: HONOLULU, HAWAII, June 19, 2018.



  
Helen Gillmor  
United States District Judge

**CARTER v. VAN LEER, CIVIL NO. 18-00178 HG-RLP; ORDER ADOPTING  
MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION TO GRANT  
PLAINTIFF'S APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND  
DISMISS THE COMPLAINT WITH PREJUDICE AS MODIFIED (ECF No. 5)**