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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE C. RUIZ,

Plaintiff,

v.

STATE OF WASHINGTON, JOSEPH  
A. BRUSIC, PAUL KELLEY,  
GEORGE P. TREJO, JR. and JUDGE  
RICHARD H. BARTHELD,

Defendants.

No. 1:17-cv-03014-SAB

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING ACTION WITHOUT  
PREJUDICE

Magistrate Judge Rodgers filed a Report and Recommendation on April 17, 2017, recommending Mr. Ruiz’s civil rights complaint be dismissed without prejudice. ECF No. 9. He concluded that Plaintiff brought this action against persons and entities who are not “persons” under 42 U.S.C. § 1983, *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 (1989); *Miranda v. Clark Cnty. Nev.*, 319 F.3d 465, 468 (9th Cir. 2003) (en banc); and against individuals shielded by judicial and prosecutorial immunity, *Imbler v. Pachtman*, 424 U.S. 409, 430-431 (1976); *Ashelman v. Pope*, 793 F.2d 1072, 1078 (9th Cir. 1986). It further appeared that abstention was appropriate under *Younger v. Harris*, 401 U.S. 37, 53-54 (1971).

Plaintiff did not file a timely objection to the Report and Recommendation.

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ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING ACTION  
WITHOUT PREJUDICE -- 1

1 Accordingly, IT IS HEREBY ORDERED:

- 2 1. The Court **ADOPTS** the Report and Recommendation in its entirety,  
3 ECF No. 9, and this action is **DISMISSED WITHOUT PREJUDICE**  
4 for failure to state a claim upon which relief may be granted. This  
5 dismissal does not constitute a strike under § 1915(g). *Washington v. Los*  
6 *Angeles Cnty. Sheriff's Dep 't*, 833 F.3d 1048, 1058 (9th Cir. 2016).  
7  
8 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of  
9 this Order would not be taken in good faith and would lack any arguable  
10 basis in law or fact.

11 **IT IS SO ORDERED.** The Clerk of Court is directed to **ENTER** this  
12 Order, **ENTER** judgment of dismissal, **FORWARD** copies to Plaintiff at his last  
13 known address and **CLOSE** the file.

14 **DATED** this 24th day of May 24, 2017.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

20 Stanley A. Bastian  
21 United States District Judge  
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