

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 27, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUSTIN M. ANEST,

Plaintiff,

v.

OFFICER CHAMBERLAIN,
OFFICER JONES, OFFICER
CONWAY, DETECTIVE MIKE
RICKETTS, DETECTIVE ANDY
STOCKMAN, PROSECUTOR
LAWRENCE HASKEL and GAYLE
ERVIN,

Defendants.

NO: 2:17-CV-0088-SMJ

**ORDER ADOPTING REPORT AND
RECOMMENDATION, STRIKING
FIRST AMENDED COMPLAINT,
DISMISSING COMPLAINT
WITHOUT PREJUDICE AND
DIRECTING THAT COLLECTION
OF THE FILING FEE CEASE**

By Report and Recommendation filed June 2, 2017, Magistrate Judge

Dimke recommended that this action be dismissed without prejudice pursuant to Plaintiff's motions to voluntarily dismiss under Federal Rule of Civil Procedure 41(a). Defendants have not been served.

There being no objections, **IT IS ORDERED** that the Report and

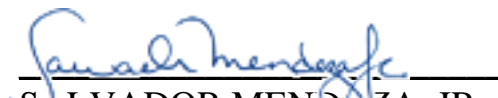
**ORDER ADOPTING REPORT AND RECOMMENDATION, STRIKING
FIRST AMENDED COMPLAINT, DISMISSING COMPLAINT WITHOUT
PREJUDICE AND DIRECTING THAT COLLECTION OF THE FILING FEE
CEASE -- 1**

1 Recommendation, ECF No. 15, is **ADOPTED in its entirety. IT IS FURTHER**
2 **ORDERED** that the First Amended Complaint, ECF No. 14, is **STRICKEN**,
3 Plaintiff's Motions, ECF No. 12 and 13, are **GRANTED**, and this action is
4 dismissed without prejudice.

5 For good cause shown, **IT IS ALSO ORDERED** that Plaintiff's Motion to
6 Waive Collection of the Filing Fee, ECF No. 12, is **GRANTED**, and the institution
7 having custody of Mr. Anest shall cease collection of the filing fee in this action,
8 cause number **2:17-CV-00088-SMJ**, formerly **MKD**.

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
10 enter judgment of dismissal without prejudice, forward a copy to Plaintiff and
11 close the file. The Clerk of Court is further directed to send a copy of this Order to
12 the Spokane County Jail, Attn: Jail Office Supervisor, W. 1100 Mallon, Spokane,
13 Washington 99260, to forward to the appropriate agency having custody of
14 Plaintiff. The Clerk of Court also shall provide a copy of this Order to the
15 Financial Administrator for the United States District Court, Eastern District of
16 Washington.

17 **DATED** this 27th day of June 2017.

18 
19 SALVADOR MENDOZA, JR.
United States District Judge

20 ORDER ADOPTING REPORT AND RECOMMENDATION, STRIKING
FIRST AMENDED COMPLAINT, DISMISSING COMPLAINT WITHOUT
PREJUDICE AND DIRECTING THAT COLLECTION OF THE FILING FEE
CEASE -- 2