

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

Jan 09, 2018

SEAN F. MCAVOY, CLERK

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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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9 GRANT THOMAS MCADAMS,

10 Plaintiff,

11 v.

12 ANDREW REMINGTON, MICHAEL
13 TRUE, JANE SNYDER, MICHAEL J.
14 REZNICEK, JOHN and JANE DOE(S)
15 and RICHARD and RACHEL ROE(S),
16 Defendants.
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No. 4:16-cv-05133-SAB

**ORDER ADOPTING REPORT
AND RECOMMENDATION;
DISMISSING IN PART AND
REMANDING ACTION TO
FRANKLIN COUNTY
SUPERIOR COURT**

18 On November 14, 2017, Magistrate Judge Mary K. Dimke filed a Report and
19 Recommendation to Dismiss Plaintiff's First Amended Complaint. ECF No. 28.

20 Plaintiff, a Washington state prisoner, currently confined at the Coyote
21 Ridge Corrections Center in Connell, Washington, is proceeding *pro se* and *in*
22 *forma pauperis*. Plaintiff filed suit in Franklin County Superior Court and
23 Defendants removed the case. Defendants then moved to dismiss the Complaint
24 with prejudice. Magistrate Judge Dimke reviewed Plaintiff's First Amended
25 Complaint and recommended that the federal claims be dismissed and the
26 remaining state law claims be remanded to Franklin County Superior Court. ECF
27 No. 28.
28

**ORDER ADOPTING REPORT AND RECOMMENDATION; DISMISSING
IN PART AND REMANDING ACTION TO FRANKLIN COUNTY
SUPERIOR COURT ~ 1**

1 Plaintiff filed timely objections to Magistrate Judge Dimke's Report and
2 Recommendation. ECF No. 30. The Court has reviewed the objections and
3 concludes that the Report and Recommendation should be adopted in its entirety.
4 Plaintiff's claims against Snyder and Dr. Reznicek fall outside the statute of
5 limitation. Moreover, Plaintiff's disagreement with his medical classification does
6 not state a constitutional claim. Plaintiff has not alleged facts that rise to the level
7 of an Eighth Amendment violation.

8 Plaintiff's claims regarding the handling of the papers he received from the
9 Washington Court of Appeals do not state valid constitutional claims; rather, these
10 allegations at best present a claim for negligence, which is not actionable under 42
11 U.S.C. § 1983. He has not alleged facts to support a First Amendment retaliation
12 claim and any claim regarding the destruction of his personal property can be
13 addressed through state law claims.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 1. The Court **ADOPTS** Magistrate Judge Dimke's Report and
16 Recommendation, ECF No. 28, in its entirety.

17 2. Defendants' Motion to Dismiss, ECF No. 16, is **GRANTED**, in part,
18 and **DENIED**, in part.

19 3. Plaintiff's federal claims asserted in the First Amended Complaint, ECF
20 No. 15, against the unidentified Doe and Roe Defendants are **DISMISSED**
21 **without prejudice and without leave to amend.**

22 4. Plaintiff's federal claims asserted in the First Amended Complaint, ECF
23 No. 15, against the Defendants Remington, True, Reznicek, and Snyder are
24 **DISMISSED with prejudice and without leave to amend.**

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**ORDER ADOPTING REPORT AND RECOMMENDATION; DISMISSING
IN PART AND REMANDING ACTION TO FRANKLIN COUNTY
SUPERIOR COURT ~ 2**

1 4. The Court declines to exercise supplemental jurisdiction over the
2 remaining state law claims and **REMANDS** this action to Franklin County
3 Superior Court.

4 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
5 and forward copies to pro se Plaintiff and counsel.

6 **DATED** this 9th day of January 2018.



11 *Stanley A. Bastian*

12 Stanley A. Bastian

13 United States District Judge
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