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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN LITTLE,)	
)	
Plaintiff,)	CASE NO. C08-148-JCC-JPD
)	
v.)	
)	
DAVE OSTER, <i>et al.</i> ,)	ORDER DISMISSING § 1983 ACTION
)	
Defendants.)	
_____)	

The Court has reviewed Defendants’ motion to dismiss, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge (Dkt. No. 26), Plaintiff’s Objection (Dkt. No. 29), Defendants’ Response (Dkt. No. 33), Plaintiff’s Reply (Dkt. No. 35), and the balance of the record. Plaintiff’s Objection, which was untimely, and his Reply both detail his medical and psychological problems and his hardships, both inside and outside of prison; however, they do not even remotely address the merits of Magistrate Judge Donohue’s Report and Recommendation. As Judge Donohue found, Plaintiff’s complaint does not allege that Defendants had any personal involvement in the alleged misconduct, nor is there any evidence in the record suggesting as much.

Accordingly, the Court hereby ORDERS:

- (1) The Court adopts the Report and Recommendation.
- (2) The complaint and this § 1983 action are DISMISSED for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).
- (3) This dismissal shall count as a strike under 28 U.S.C. § 1915(g).
- (4) The Clerk is directed to send a copy of this Order to Plaintiff, to counsel for Defendants, and to Judge Donohue.

ORDER DISMISSING § 1983 ACTION

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DATED this 10th day of March, 2009.



JOHN C. COUGHENOUR
United States District Judge