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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                                |   |                                |
|--------------------------------|---|--------------------------------|
| ERNEST BRUTON,                 | ) |                                |
|                                | ) |                                |
| Plaintiff,                     | ) | Case No. C10-780-RAJ           |
| v.                             | ) |                                |
|                                | ) | <b>ORDER DISMISSING § 1983</b> |
| AUBURN CITY POLICE DEPARTMENT, | ) | <b>ACTION</b>                  |
| et al.,                        | ) |                                |
|                                | ) |                                |
| Defendants.                    | ) |                                |

The Court, having reviewed the Report and Recommendation of Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The complaint and this § 1983 action are **DISMISSED** without prejudice for failure to prosecute. Local Rule CR 41(b)(2).
- (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Tsuchida.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
RICHARD A. JONES  
United States District Judge