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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARVIN G. KRONA,

Plaintiff,

v.

SNOHOMISH COUNTY
PROSECUTORS, et al,

Defendant.

CASE NO. C10-1875RSM

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION AND
REFERRING CASE

This matter is before the Court for consideration of a Report and Recommendation (“R&R”) filed December 9, 2010. Dkt. # 6. The R&R recommends dismissal of plaintiff’s action under 42 U.S.C. § 1983 for failure to state a claim, citing to the *Heck v. Humphrey* bar against § 1983 actions that challenge a conviction. *Heck v. Humphrey*, 512 U.S. 477 (1994). Plaintiff has objected that he was not convicted of the domestic violence charge that is the subject of his complaint. Instead, his complaint is for wrongful arrest and wrongful detention, because he was not convicted. Dkt. # 7. While it is not clear from the complaint itself, the objections clarify that plaintiff does not seek reversal of any conviction, but rather compensation

1 for the time he spent in jail, missing work, as well as correction of his record. Because the
2 Report and Recommendation does not address these claims, the Court cannot adopt it and
3 dismiss the complaint.

4 The Clerk shall accordingly RE-REFER this matter to the Honorable Brian S. Tsuchida,
5 United States Magistrate Judge, for further consideration.

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8 Dated January 18, 2011.

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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE

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