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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARRY GENE HEGGEM,	)	
	)	CASE NO. C10-1997-RSM
Plaintiff,	)	
	)	
v.	)	
	)	ORDER
ANDREA HOLMES, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

The Court, having reviewed the pending motions, the papers filed in support of and in opposition to the motions, the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler, the governing law, and the balance of the record, does hereby find and

ORDER:

- (1) The Report and Recommendation is ADOPTED;
- (2) Defendant Andrea Holmes’s motion to dismiss (Dkt. 23) is DENIED;
- (3) Defendant Marie Cross’s motion to dismiss (Dkt. 24) is GRANTED and all claims against Ms. Cross are DISMISSED with prejudice;
- (4) Plaintiff’s motion for summary judgment (Dkt. 58) is DENIED;

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(5) Plaintiff is GRANTED leave to file an amended complaint within **thirty (30) days** of the date of this order, and defendant Andrea Holmes is DIRECTED to file an Answer within **thirty (30) days** of the filing of the amended complaint;

(6) The parties are invited to file dispositive motions any time after defendant Andrea Holmes has filed her Answer;

(7) Plaintiff's motion for appointment of counsel (Dkt. # 72) is DENIED;

(8) This matter remains referred to the undersigned magistrate judge for all pretrial proceedings; and

(9) The Clerk of Court is directed to send copies of this Order to plaintiff and to Magistrate Judge Mary Alice Theiler.

DATED this 20<sup>th</sup> day of April 2012.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE