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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL RAY SITTON,

Plaintiff,

v.

SUE BAERG, *et al.*,

Defendants.

Case No. C13-820-RAJ

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT AND DISMISSING
ACTION**

The Court, having reviewed plaintiff's amended complaint, defendant Dumas's motion for summary judgment, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendants' motion for summary judgment (Dkt. 28) is GRANTED.
- (3) Plaintiff's amended complaint (Dkt. 13) is DISMISSED without prejudice as to plaintiff's first cause of action, to the extent plaintiff alleges that defendant Baerg failed to

1 provide him adequate medical care for his hepatitis C, and also as to plaintiff's second, third,
2 fourth, fifth, sixth, seventh, eighth, and ninth causes of action, because plaintiff failed to properly
3 exhaust his institutional remedies with respect to those claims. Plaintiff's amended complaint is
4 DISMISSED with prejudice as to the portion of plaintiff's first cause of action alleging that
5 defendant Baerg refused to follow a court order regarding a blood draw and as to plaintiff's tenth
6 cause of action.

7 (4) Plaintiff's motion for summary judgment (Dkt. 64) and defendants' request for
8 sanctions (Dkt. 69) are DENIED.

9 (5) The Clerk is directed to terminate the remaining motions as MOOT (Dkt. ## 73,
10 74), and to terminate the case.

11 (6) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
12 defendants, and to the Honorable Brian A. Tsuchida.

13 DATED this 3rd day of January, 2014.

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16 The Honorable Richard A. Jones
17 United States District Judge