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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 ALEX KOSNICKI,

11 Plaintiff,

12 v.

13 TODD JAKOBSON, et al.,

14 Defendants.

CASE NO. C15-193 MJP

ORDER ON OBJECTIONS TO  
REPORT AND  
RECOMMENDATION

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16 THIS MATTER comes before the Court on Magistrate Judge Donohue's Report and  
17 Recommendation regarding Plaintiff's amended § 1983 complaint and related motion for a stay.  
18 (Dkt. No. 9.) Plaintiff objects solely to the section of the Report and Recommendation  
19 recommending against a stay. (Dkt. No. 10.) As Judge Donohue explained, a cause of action for  
20 damages attributable to an allegedly unconstitutional conviction or sentence "does not accrue  
21 until the conviction or sentence has been invalidated." (Dkt. No. 9 at 5 (quoting Heck v.  
22 Humphrey, 512 U.S. 477, 490 (1994)).) Plaintiff cannot even state a claim until his § 2255 is  
23 resolved in his favor, so a stay while he waits for a ruling in the § 2255 would be inappropriate.  
24 The Report and Recommendation is therefore ADOPTED in full, the action is DISMISSED

1 without prejudice so that Plaintiff can satisfy the Heck pleading requirements in the future, and  
2 the motion for a stay is DENIED.

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4 The clerk is ordered to provide copies of this order to all counsel.

5 Dated this 3rd day of June, 2015.

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8 Marsha J. Pechman  
9 Chief United States District Judge  
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