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

10 JOHN ROBERT DEMOS JR,

11 Plaintiff,

12 v.

13 DANIEL SATTERBERG, et al.,

14 Defendants.

CASE NO. C15-639 MJP

ORDER ADOPTING REPORT AND
RECOMMENDATION

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16 THIS MATTER comes before the Court on Plaintiff's Objections to the Report and
17 Recommendation of the Honorable James P. Donohue, Chief United States Magistrate Judge.
18 (Dkt. Nos. 2, 3.) Having reviewed the Report and Recommendation, Plaintiff's Objections, and
19 the related record, the Court ADOPTS the Report and Recommendation, DENIES Plaintiff's
20 application to proceed in forma pauperis, and DISMISSES the action without prejudice for
21 failure to satisfy the imminent danger requirement for three-strikes litigants under 28 U.S.C. §
22 1915(g).

23 Under Fed. R. Civ. P. 72, the Court must resolve de novo any part of the Magistrate
24 Judge's Report and Recommendation that has been properly objected to and may accept, reject,

1 or modify the recommended disposition. Fed. R. Civ. P. 72(b)(3); see also 28 U.S.C. §
2 636(b)(1). Plaintiff objects to Judge Donohue's Report and Recommendation on the basis that
3 he is a pre-trial detainee and a foreign national. (Dkt. No. 3.)

4 First, Plaintiff is not a pre-trial detainee; Plaintiff was convicted of attempted rape and
5 first-degree burglary and was sentenced to an indeterminate sentence of 240 months to life in
6 prison. See State v. Demos, 94 Wn.2d 733 (1980). Second, Plaintiff does not explain how or
7 why his alleged status as a foreign national would allow him to proceed in forma pauperis where
8 28 U.S.C. § 1915(g) does not. The Court concurs with Judge Donohue's analysis and suggested
9 disposition of the relevant issues, and therefore ADOPTS the Report and Recommendation in
10 full. Plaintiff's application to proceed in forma pauperis is DENIED and this action is
11 DISMISSED without prejudice.

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13 The clerk is ordered to provide copies of this order to all counsel and to Judge Donohue.

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15 Dated this 2nd day of June, 2015.

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18 Marsha J. Pechman
19 Chief United States District Judge