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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JAY G. KIMPEL,

9 Plaintiff,

10 v.

11 KING COUNTY JAIL, et al.,

12 Defendants.

C15-1500 TSZ

ORDER

13 The Court, having reviewed the Report and Recommendation of the Honorable
14 James P. Donohue, docket no. 70, and defendants' objections thereto, docket nos. 71 &
15 74, does hereby find and ORDER:

16 (1) The Report and Recommendation is adopted. Defendants have not shown
17 that dismissal with prejudice is warranted. The fact that a jail lookup service may have
18 listed the same address to which the unclaimed mail was sent provides insufficient proof
19 of defendants' assertion that Mr. Kimpel is refusing to claim correspondence from the
20 Court and opposing counsel at his listed address. Further, the Court declines to grant
21 defendants' alternative request that Mr. Kimpel's case be dismissed pursuant to Local
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1 Civil Rule 41(b)(1) “in due course” if Mr. Kimpel “persists in his failure to prosecute.”

2 *See* Defs’ Revised Objections, docket no. 74 at 3.

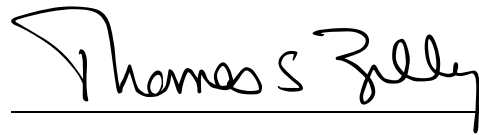
3 (2) This matter is DISMISSED, without prejudice, for failure to prosecute
4 pursuant to Local Civil Rule 41(b)(2).

5 (3) The Clerk is directed to send a copy of this Order to all counsel of record,
6 to plaintiff pro se at his last known address, and to the Honorable James P. Donohue.

7 Dated this 27th day of December, 2016.

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Thomas S. Zilly
United States District Judge

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