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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EARL IRA BOWMAN,

Plaintiff,

v.

W. HAYES et al,

Defendants.

Case No. C16-381 RSM

ORDER OF DISMISSAL

The instant matter comes before the Court on Defendants’ Motion for Summary Judgment (Dkt. #67) and the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida (Dkt. #78).

In this 42 U.S.C. § 1983 civil-rights action, Plaintiff Earl Ira Bowman, proceeding *pro se* and *informa pauperis*, names as Defendants W. Hayes, H. Tamura, G. Karlson, Major T. Clark, C. Womack, and Debby Ogle, all employees of the King County Jail, Department of Adult and Juvenile Detention (KCCF-DAJD). He alleges that Defendants have denied him access to courts by limiting his access to the legal computer workstation at the KCCF. Dkts. #15 and #15-1. He seeks \$150,000 in damages. Dkt. #15-1 at 5.

The Court has reviewed the R&R in this case, which concluded that Mr. Bowman “has failed to raise a genuine issue of material fact as to his claim that defendants have failed to provide him with access to courts,” and that “Mr. Bowman has demonstrated no actual injury –

1 that is, ‘actual prejudice with respect to contemplated or existing litigation, such as the inability
2 to meet a filing deadline or to present a claim.’” Dkt. #78 at 8-9 (citing *Lewis v. Casey*, 518 U.S.
3 343, 349 (1996). To establish a constitutional violation, the “actual injury” that an inmate must
4 demonstrate is that the alleged shortcomings in the prison library or legal assistance program
5 have hindered, or are presently hindering, his efforts to pursue a nonfrivolous legal claim. *Lewis*,
6 518 U.S. at 349.

7 In his Objections, Mr. Bowman argues that he should have been granted various
8 continuances in this case, and should be granted additional discovery, but offers no substantive
9 response to the R&R’s conclusions above. *See* Dkt. #83.¹

10 In Response, Defendants argue that Mr. Bowman’s arguments have already been
11 considered and rejected by this court. Dkt. #86 at 2.

12 The Court agrees with Defendants. Mr. Bowman rehashes stale issues already resolved
13 by this Court while ignoring the substantive arguments for summary judgment dismissal. The
14 Court agrees with the analysis contained in the R&R and will adopt it.

15 The Court, having reviewed defendants’ motion for summary judgment (Dkt. #67), the
16 Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, Plaintiff’s
17 Objections, and the remaining record, does hereby **ORDER**:

- 18 (1) The Court adopts the Report and Recommendation.
- 19 (2) Defendants’ motion for summary judgment (Dkt. #67) is **GRANTED and this**
20 **matter is DISMISSED WITH PREJUDICE.**
- 21 (3) The Clerk of Court is directed to send copies of this Order to plaintiff and to
22 Judge Tsuchida.
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¹ The Court notes that Plaintiff’s Objections exceed the 12-page limit with additional “attachments” containing handwritten argument. *See* Dkt. #78 at 13-19.

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DATED this 28th day of April 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE