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7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KEITH ADAIR DAVIS,

11 Plaintiff,

12 v.

13 WILLIAM HAYES, et al.,

14 Defendants.

CASE NO. C16-1709 RSM

ORDER OF DISMISSAL

15 The Court has reviewed Plaintiff's Amended Complaint, the Motion for Summary Judgment
16 of Defendants Gorman, McKindrey, Bliss, and Elerick, the Report and Recommendation ("R&R")
17 of the Honorable Brian A. Tsuchida, United States Magistrate Judge, the Objections and Response
18 filed by the parties, and the remaining record. After this review, the Court concludes that Mr. Davis
19 did not file a timely substantive response to Defendants' Motion for Summary Judgment despite
20 multiple extensions of the deadline. Even if the Court considered the untimely Response, nothing
21 contained therein would cause the Court to deviate from Judge's Tsuchida's conclusion that Mr.
22 Davis failed to exhaust his administrative remedies and that the correct outcome of this case is
23 dismissal without prejudice. Accordingly, the Court does hereby find and ORDER:
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- 1 (1) The Court adopts the Report and Recommendation (Dkt. #118).
2 (2) Defendants' motion for summary judgment (Dkt. #81) is GRANTED; this case is
3 **dismissed without prejudice.**
4 (3) The Clerk is directed to send copies of this Order to Plaintiff and to Judge Tsuchida.
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6 Dated this 12th day of April 2018.

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9 RICARDO S. MARTINEZ
10 CHIEF UNITED STATES DISTRICT JUDGE
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