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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-BAT

ORDER ADOPTING SECOND REPORT
AND RECOMMENDATION RE: MOTION
TO AMEND

15 The Court, having reviewed Plaintiff's motion to amend (Dkt. #20), the Second Report and
16 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the
17 remaining record, does hereby find and ORDER:

18 (1) The Court adopts the Second Report and Recommendation (Dkt. #26).

19 (2) All claims set forth in Plaintiff's "Amended Complaint" (Dkt. #20) shall be **DISMISSED**
20 **except** as to plaintiff's claims that Defendants Gorman, McKindrey, Bliss, and Elerick
21 used excessive force against plaintiff in August and September 2014 and in August 2016.

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24 ORDER ADOPTING SECOND REPORT AND
RECOMMENDATION RE: MOTION TO AMEND - 1

1 (3) The Amended Complaint (Dkt. #20) shall be served on Defendants Gorman, McKindrey,
2 Bliss, and Elerick **only** and these defendants shall be required to file an answer **only** as to
3 the excessive force claims.

4 (4) This matter is re-referred to Judge Tsuchida.

5 (5) The Clerk is directed to send copies of this Order to Plaintiff and to Judge Tsuchida.

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7 Dated this 14th day of April 2017.

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10 RICARDO S. MARTINEZ
11 CHIEF UNITED STATES DISTRICT JUDGE
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