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

8 JUSTIN EDWARD LEWIS,

9 Plaintiff,

10 v.

11 ETHAN GREEN,

12 Defendant.

C17-211 TSZ

ORDER

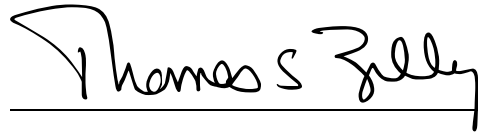
13 THIS MATTER comes before the Court on the Report and Recommendation  
14 (“R&R”) of the Honorable Mary Alice Theiler, United States Magistrate Judge, docket  
15 no. 16. The R&R, which was issued on September 20, 2017, recommends that  
16 defendant’s motion to dismiss for failure to prosecute be granted, and that this matter be  
17 dismissed without prejudice because plaintiff failed to apprise the Court and defendant of  
18 his current address. A few days before the R&R was entered, however, on September 14,  
19 2017, plaintiff filed a Notice of Change of Address, docket no. 15, indicating that he is in  
20 custody at the Kitsap County Jail. According to Kitsap County Jail records, which are  
21 available at <http://www.kitsapgov.com/sheriff/incustody/incustody.asp>, plaintiff has been  
22 in custody since August 8, 2017, is held without bail on one of two pending felony  
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1 charges, and has a hearing scheduled in Kitsap County Superior Court on October 6,  
2 2017. In light of the foregoing information, the Court DECLINES to adopt the R&R, and  
3 REFERS this matter back to Magistrate Judge Theiler for further proceedings, pursuant  
4 to 28 U.S.C. § 636(b)(1)(B) and Local Magistrate Judges' Rule 4. Plaintiff's motion for  
5 extension of time to file objections to the R&R, docket no. 17, is STRICKEN as moot.

6 IT IS SO ORDERED.

7 The Clerk is DIRECTED to send a copy of this Order to all counsel of record, to  
8 plaintiff pro se (Booking No. 2017005176, ID No. 30042366) at Kitsap County Jail, 614  
9 Division Street, MS-33, Port Orchard, WA 98366, and to Magistrate Judge Theiler.

10 Dated this 5th day of October, 2017.

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13 Thomas S. Zilly  
14 United States District Judge  
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