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

10 LEE PATRICK JOHNSON,

11 Plaintiff,

12 v.

13 MICHAEL ALLEN, et al.,

14 Defendants.

CASE NO. C17-0389JLR

ORDER ADOPTING REPORT
AND RECOMMENDATION

15 **I. INTRODUCTION**

16 This matter comes before the court on the report and recommendation of United
17 States Magistrate Judge Tsuchida (2/5/18 R&R (Dkt. # 58)) regarding Defendants
18 Michael Allen and Joseph Marchesano's (collectively "Defendants") motion for
19 summary judgment (MSJ (Dkt. # 46)) and Plaintiff Lee Patrick Johnson's cross-motion
20 for summary judgment (Cross-MSJ (Dkt. # 56)). Mr. Johnson filed objections to the
21 report and recommendation. (*See* 2/12/18 Obj. (Dkt. # 59).) The court has considered
22 the parties' submissions in support of and in opposition to the motions, the February 5,

1 2018, report and recommendation, Mr. Johnson's objections, the relevant portions of the
2 record, and the applicable law. Being fully advised, the court OVERRULES Mr.
3 Johnson's objections, ADOPTS the February 5, 2018, report and recommendation,
4 GRANTS Defendants' motion for summary judgment, DENIES Mr. Johnson's cross-
5 motion for summary judgment, and DISMISSES this matter with prejudice for the
6 reasons set forth below.


7 The procedural history of this matter includes a report and recommendation
8 dismissing specific claims and specific defendants (*see* 4/21/17 R&R (Dkt. # 16)), an
9 order adopting the April 21, 2017, report and recommendation (*see* 5/18/17 Order (Dkt.
10 # 20)), a report and recommendation regarding dismissal of Defendant Captain Cline (*see*
11 12/4/17 R&R (Dkt. # 44)), Mr. Johnson's objections to the December 4, 2017, report and
12 recommendation (*see* 12/13/17 Obj. (Dkt. # 45)), Defendants' motion for summary
13 judgment (*see* MSJ), an order adopting the December 4, 2017, report and
14 recommendation (*see* 12/28/17 Order (Dkt. # 54)), Mr. Johnson's cross-motion for
15 summary judgment (*see* Cross-MSJ), a report and recommendation regarding
16 Defendants' motion for summary judgment and Mr. Johnson's cross-motion for summary
17 judgment (*see* 2/5/18 R&R), and Mr. Johnson's objections to the February 5, 2018, report
18 and recommendation (*see* 2/12/18 Obj.).

19 The court has examined Mr. Johnson's objections (*see id.*) and concludes that they
20 lack merit. Mr. Johnson's objections essentially reiterate his arguments from previous
21 filings. Magistrate Judge Tsuchida thoroughly addressed these arguments in the February
22 5, 2018, report and recommendation. (*See* 2/5/18 R&R.) Further, the court

1 independently reviewed Mr. Johnson's objections and rejects them for the same reasons
2 that Magistrate Judge Tsuchida rejected them.

3 Accordingly, the court OVERRULES Mr. Johnson's objections (Dkt. # 59) and
4 ADOPTS the February 5, 2018, report and recommendation (Dkt. # 58). In addition, the
5 court GRANTS Defendants' motion for summary judgment (Dkt. # 46), DENIES Mr.
6 Johnson's cross-motion for summary judgment (Dkt. # 56), and DISMISSES Mr.
7 Johnson's claims with prejudice.

8 Dated this ²⁶26 day of February, 2018.

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10 JAMES L. ROBART
11 United States District Judge
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