

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DYLAN JAMES DOWNEY,

11 Plaintiff,

12 v.

13 SNOHOMISH COUNTY SHERIFF'S
14 OFFICE, *et al.*,

Defendants.

CASE NO. C17-1024-JCC

ORDER

15 This matter comes before the Court on Plaintiff's objections (Dkt. No. 149) to the Report
16 and Recommendation ("R&R") of the Honorable Mary Alice Theiler (Dkt. No. 147). Having
17 thoroughly considered the R&R, Plaintiff's objections, and the balance of the record, the Court
18 hereby ADOPTS the R&R for the reasons explained below.

19 A district court must conduct a *de novo* review of those portions of a magistrate judge's
20 report to which a party properly objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A party
21 properly objects when he or she files "specific written objections" to the magistrate judge's
22 report. Fed. R. Civ. P. 72(b)(2). In contrast, general objections, or summaries of arguments
23 previously presented, have the same effect as no objection at all, since the Court's attention is not
24 focused on any specific issues for review. *See Howard v. Sec'y of Health and Human Svcs.*, 932
25 F.2d 505, 509 (6th Cir. 1991); *Ali v. Grounds*, 236 F. Supp. 3d 1241, 1249 (S.D. Cal. 2017).
26 Because this Court's consideration of such "objections" would entail *de novo* review of the entire

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1 report, rendering the referral to the magistrate judge useless, *de novo* review is not required when
2 a party fails to direct the Court to a specific error in the R&R. *See Strawbridge v. Sugar*
3 *Mountain Resort, Inc.*, 243 F. Supp. 2d 472, 475 (W.D.N.C. 2003).

4 Plaintiff is a state prisoner previously confined in the Snohomish County Jail. He filed an
5 amended complaint alleging violations of Title II of the Americans with Disabilities Act
6 (“ADA”) and section 504 of the Rehabilitation Act (“RA”). He also brought causes of action
7 arising under 42 U.S.C. sections 1983, 1985 and 1986. (Dkt. No. 19.) His claims relate to various
8 housing assignments within the jail and to the violation of a “keep separate” order involving a
9 fellow inmate. (*See generally id.*) Defendants moved for summary judgment on all claims. (Dkt.
10 No. 112.)

11 Judge Theiler recommends that the Court grant summary judgment to Defendants
12 because Plaintiff does not specifically assert any RA claims, he fails to establish the deliberate
13 indifference required for his ADA discrimination claims, his ADA retaliation claim was mooted
14 by his transfer from Snohomish County to the Washington Department of Corrections, and his
15 claims brought pursuant to sections 1983, 1985 and 1986 are either duplicative of his ADA
16 claims or fail to demonstrate the violation of a constitutional right. (Dkt. No. 147 at 9–25.)

17 Plaintiff filed objections to Judge Theiler’s R&R (Dkt. No. 149). Plaintiff fails to point to
18 specific legal error, either in Judge Theiler’s consideration of the evidence or in her application
19 of the law. (*Id.* at 1–4.) Therefore, the Court finds that Plaintiff’s objections are insufficient to
20 trigger *de novo* review of Judge Theiler’s R&R.

21 The Court, hereby ORDERS as follows:

- 22 (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 147).
- 23 (2) Defendants’ motion for summary judgment (Dkt. No. 112) is GRANTED.
- 24 (3) This action is DISMISSED with prejudice.
- 25 (4) The Clerk is respectfully DIRECTED to send copies of this order to Plaintiff and to
26 Judge Theiler.

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2 DATED this 13th day of August 2018.
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John C. Coughenour
UNITED STATES DISTRICT JUDGE