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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRUCE LEWIS,

Plaintiff,

v.

CITY OF AUBURN, et al.,

Defendants.

Case No. C17-1916-JLR

ORDER OF DISMISSAL

Having reviewed the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation.


(2) Plaintiff's complaint and this action are DISMISSED with prejudice and without leave to amend.

(3) Because plaintiff fails to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), **the dismissal shall count as a STRIKE under 28 U.S.C. § 1915(g)** (prisoner may not proceed *in forma pauperis* if prisoner has, on three or more prior occasions while incarcerated, brought an

1 action or appeal that was dismissed a frivolous, malicious, or for failure to state a claim, unless
2 the prisoner is under imminent danger of serious physical injury).

3 (4) The Clerk is directed to send copies of this Order to plaintiff and to Judge
4 Donohue.

5 Dated this 4th day of May, 2018.

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8 JAMES L. ROBART
United States District Judge

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