

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONALD BRENNAN JR.,

Plaintiff,

v.

ANTHONY ASTON *et al.*,

Defendants.

CASE NO. C17-1928-JCC

ORDER

This matter comes before the Court on the report and recommendation of the Honorable Michelle L. Peterson, United States Magistrate Judge (Dkt. No. 288). Plaintiff has not filed objections to the report and recommendation. Having thoroughly considered the report and recommendation and the relevant record, the Court finds oral argument unnecessary and hereby **ORDERS** that:

1. The report and recommendation (Dkt. No. 288) is **APPROVED** and **ADOPTED**;
2. The motion for summary judgment filed by Defendants Debbie Bellinger, Bradley Hoover, Jacob Taylor, and Mirra Merkel, Charles Mitchell, and Alexis Wafstet (Dkt. No. 256) is **GRANTED**, and the claims against these Defendants are **DISMISSED** with prejudice;
3. The motion for summary judgment filed by Defendants Clinton Moll, Stuart Nicholas, Olufemi Adepaju, Susan Freeman, John Gross, Paul Hansen, William Hart, Sherell Hovey, Benjamin Ohipeni, Brian Wilson, and Jon Crew (Dkt. No. 264) is **GRANTED** in part and

1 DENIED in part as follows:

- 2 a. The retaliation claims against Defendants Wilson, Freeman, Hansen, and Hart
3 are DISMISSED without prejudice for failure to exhaust;
- 4 b. The remaining retaliation claims are DISMISSED with prejudice except for
5 the claim against Defendant Nicholas based on the January 29, 2018 infraction
6 and the claim against Defendant Crew for the use of force on April 5, 2018;
- 7 c. Summary judgment is DENIED for the battery claim against Defendant Crew;
8 and
- 9 d. Plaintiff's compensatory damages claim against Defendant Crew based on the
10 alleged battery is DISMISSED with prejudice;

11 4. This order disposes of all the claims against Defendants Bellinger, Hoover,
12 Taylor, Merkel, Mitchell, Wafstet, Moll, Adepoju, Freeman, Gross, Hansen, Hart, Hovey,
13 Ohipeni, and Wilson, and these Defendants are DISMISSED from the lawsuit;

14 5. The remaining Defendants in this action are Custody Deputies Machyo, Nicholas,
15 and Crew. An order scheduling trial on the claims against these Defendants will follow; and

16 6. The Clerk is DIRECTED to send copies of this order to the parties and to Judge
17 Peterson.

18 DATED this 18th day of August 2020.

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22 John C. Coughenour
23 UNITED STATES DISTRICT JUDGE
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