

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID L. BELMONTE a/k/a Dameas  
Shiruk Duranzan,

V.

KING COUNTY et al.,

## Defendants.

CASE NO. 2:24-cv-01762-TL-SKV

## ORDER ON REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation (“R&R”) of the  
Honorable S. Kate Vaughan, United States Magistrate Judge, which recommends dismissal of  
this matter. Dkt. No. 4. The R&R recommends dismissal of this matter for Plaintiff’s failure to  
pay a filing fee or submit a proper application to proceed *in forma pauperis* (“IFP”). *Id.* at 2.

The Court previously adopted the R&R and dismissed this matter. *See* Dkt. Nos. 6–7.

However, Plaintiff subsequently moved for relief from the judgment, explaining that he never received notice of the R&R, his case files were lost during a custodial transfer, and the law librarian could not locate cases with his name. Dkt. No. 9 at 2; Dkt. No. 10 ¶¶ 6–8. The Court

1 granted the motion, vacated the judgment, and gave Plaintiff an opportunity to file objections to  
2 the R&R. Dkt. No. 11. In lieu of objections, Plaintiff has corrected the deficiency in his IFP  
3 application, which is now properly presented. Dkt. No. 14.

4 Accordingly, the Court DECLINES TO ADOPT the Report and Recommendation (Dkt.  
5 No. 4). Further, pursuant to 28 U.S.C. § 636 and General Order No. 05-25 of the United States  
6 District Court for the Western District of Washington, the Court REFERS this matter to the  
7 Honorable S. Kate Vaughan, United States Magistrate Judge. *See* Gen. Order No. 05-25 ¶¶ 3, 6  
8 (W.D. Wash. Feb. 19, 2025).

9 Dated this 4th day of March 2025.

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11 Tana Lin  
12 United States District Judge  
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