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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 DAVID L. BELMONTE,

8 Plaintiff,

9 v.

10 KING COUNTY, et al.,

11 Defendants.

C24-1763 TSZ

ORDER ADOPTING REPORT
AND RECOMMENDATION

12 THIS MATTER comes before the Court on the Report and Recommendation of
13 the Honorable Theresa L. Fricke, United States Magistrate Judge, docket no. 4. Having
14 reviewed the Report and Recommendation and the remaining record, the Court enters the
15 following order.

16 Plaintiff David Belmonte filed a Complaint against King County, the City of
17 Seattle, and several Seattle law enforcement personnel (collectively, “Defendants”).
18 Complaint at 1–2 (docket no. 1). Plaintiff claims Defendants unlawfully arrested,
19 imprisoned, and maliciously prosecuted him in violation of the Fourth Amendment. Id.
20 at 2. Because Plaintiff failed to pay the filing fee or apply to proceed *in forma pauperis*
21 (“IFP”), the Clerk sent him a letter advising him he must pay the filing fee or submit an
22 IFP application by November 29, 2024, or the case may be dismissed. Letter (docket
23

1 no. 2). Plaintiff failed to respond to the Clerk’s letter and has neither paid the filing fee
2 nor submitted an IFP application.

3 Judge Fricke recommended the case be dismissed without prejudice for failure to
4 prosecute. Report and Recommendation at 1–2 (docket no. 4). The Report and
5 Recommendation was mailed to Plaintiff at the King County Jail, but it was returned as
6 undeliverable. Envelope at 1 (docket no. 5). The following appears to be written on the
7 envelope:

8 [n]ot in jail
9 [elec]tronic home detention

10 Id. No other address for Plaintiff is listed in the docket. Plaintiff did, however, receive
11 from the Clerk notice of his filing deficiency and risk of dismissal.

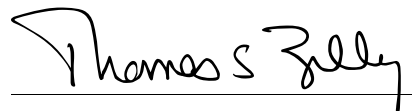
12 **Conclusion**

13 For the foregoing reasons, the Court ORDERS:

- 14 (1) The Court ADOPTS the Report and Recommendation, docket no. 4.
15 (2) This case is DISMISSED without prejudice for failure to prosecute and for
16 failure to comply with court orders.
17 (3) The Clerk is directed to CLOSE this case and to send copies of this order to
18 Plaintiff and to the Honorable Theresa L. Fricke.

19 IT IS SO ORDERED.

20 Dated this 3rd day of January, 2025.

21 

22 Thomas S. Zilly
23 United States District Judge