

1 HONORABLE RONALD B. LEIGHTON  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 RONALD STEVEN MITUNIEWICZ,

12 Plaintiff,

13 v.

14 HAROLD CLARK,

15 Defendant.

Case No. C06-5383 RBL

ORDER

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17 THIS MATTER comes on before the above-entitled Court upon Plaintiff's Motion for Reconsideration  
18 [Dkt. #14].

19 Having considered the entirety of the records and file herein, the Court rules as follows:

20 Plaintiff seeks reconsideration of this Court's Order Adopting Report and Recommendation [Dkt. #12]  
21 and Judgment [Dkt. #13] in favor of defendant. Plaintiff was ordered by the Magistrate Judge to amend his  
22 complaint [Dkt. #8]. When he failed to do so, the Magistrate Judge recommended dismissal [Dkt. #9].  
23 Plaintiff objected to the Report and Recommendation [Dkt. #10]. In the objection, he raised as one issue  
24 amongst many that he was never served with the Magistrate Judge's Order to Amend his complaint [Dkt. #8].  
25 He raises this same issue in his motion for reconsideration.

26 This Court is skeptical of his claim that he did not receive the Order to Amend his complaint given that  
27 it was sent to the same address as the Report and Recommendation recommending dismissal [Dkt. #9] and  
28 plaintiff obviously received that document because he filed objections thereto [Dkt. #10]. However, the Court

1 will grant plaintiff's motion for reconsideration and direct the Clerk to send this Order and a copy of  
2 Magistrate Judge Arnold's Order [Dkt. #8] directing plaintiff to file an amended complaint to Mr. Mituniewicz.  
3 **Plaintiff shall file his amended complaint as directed by Magistrate Judge Arnold on or before January**  
4 **12, 2007. The failure to file an amended complaint which conforms with Magistrate Judge Arnold's**  
5 **Order [Dkt. #8] will result in the dismissal of this case.** It is therefore

6 **ORDERED** that Plaintiff's Motion for Reconsideration [Dkt. #14] is **GRANTED**. The Clerk shall  
7 reopen this matter. It is further

8 **ORDERED** that Plaintiff's "Demand [sic] Access to this Court" [Dkt. #16] is non-sensical and is  
9 **DENIED**.

10 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing  
11 pro se, and shall re-refer this matter to Magistrate Judge J. Kelley Arnold for further proceedings.

12 Dated this 14<sup>th</sup> day of December, 2006.

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15 RONALD B. LEIGHTON  
16 UNITED STATES DISTRICT JUDGE  
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