

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC LAWRENCE WRIGHT, SR.,

Plaintiff,

v.

CITY OF TACOMA, et al.,

Defendant.

Case No. C08-5388RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Objection to the Report and Recommendation [Dkt. #46]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The Court will accept plaintiff's assertions that the confusion over his mailing address was due to no fault of his own. However, plaintiff has not adequately responded to the Magistrate Judge's previous Orders directing plaintiff to explain why his claims are not barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). [Dkt. #'s 18 and 29]. *Heck* requires that in order for a plaintiff to pursue an action under §1983 challenging his prior conviction, he must show that "the conviction or sentence [has been] reversed, expunged, invalidated, or impugned by the grant of a writ of habeas corpus." *Id.*, at 489.

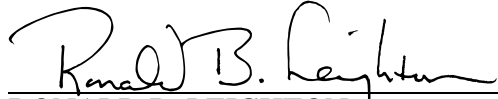
Therefore, plaintiff shall show cause in writing on or before April 3, 2009 why his cause of action is not barred by *Heck v. Humphrey*. **THE FAILURE TO SO RESPOND WILL RESULT IN THE DISMISSAL OF THIS CASE.**

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IT IS SO ORDERED.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 12th day of March, 2009.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE