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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 BOBBY JOE JOHNSON, JR.,

9 Plaintiff,

10 v.

11 DEPARTMENT OF CORRECTIONS;  
12 DAN PACHOLKE; and ANDREW  
13 BURKE,

14 Defendants.

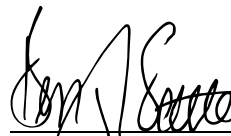
Case No. C08-5426BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

15 This matter comes before the Court on the Report and Recommendation of the  
16 Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 51). The Court having  
17 considered the Report and Recommendation and the remaining record, and no objections by  
18 Plaintiff having been filed, does hereby find and order:

- 19 (1) The Court adopts the Report and Recommendation; and  
20 (2) This action is **DISMISSED** because Plaintiff has failed to prosecute the  
21 matter.

22 DATED this 15<sup>th</sup> day of December, 2009.

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25 BENJAMIN H. SETTLE  
26 United States District Judge  
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ORDER