

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BOBBY JOE JOHNSON, JR.,

Plaintiff,

V.

DEPARTMENT OF CORRECTIONS;  
DAN PACHOLKE; and ANDREW  
BURKE.

## Defendants.

Case No. C08-5426BHS

## ORDER ADOPTING REPORT AND RECOMMENDATION

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

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

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

  
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BENJAMIN H. SETTLE  
United States District Judge

## ORDER