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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEREK V. WILLIAMS,

Plaintiff,

v.

SANTOS LAMAS, *et. al.*,

Defendants.

No. 08-5520RJB/JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, and the remaining record, does hereby find and ORDER:

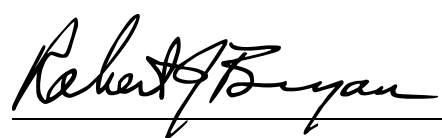
- (1) The Court adopts the Report and Recommendation (Dkt. 20);
- (2) Defendant’ Motion to Dismiss Plaintiff’s Eighth Amendment claim is **GRANTED**. That claim is **DISMISSED WITH PREJUDICE** from this action for the reasons set forth in the Report and Recommendation (Dkt. 20).
- (3) Plaintiff may **file an amended complaint** regarding his Fourteenth Amendment and Sixth Amendment claims within **thirty days** of this order being signed.
- (4) Failure to file the amended complaint will result in dismissal of this action for failure to state a claim, failure to prosecute, and failure to comply with a Court Order.

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

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(5) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Richard Creatura.

DATED this 9th day of June, 2009.



ROBERT J. BRYAN
United States District Judge