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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL STEVEN NOVAK,

Plaintiff,

v.

JAMES THACHER,

Defendant.


Case No. C08-5711BHS-JKA

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable J. Kelley Arnold, United States Magistrate Judge (Dkt. 10). The Court having considered the Report and Recommendation, Plaintiff's failure to file objections, and the remaining record, does hereby find and order:

- (1) The Court adopts the Report and Recommendation; and
- (2) Plaintiff's Motion for In Forma Pauperis Status (Dkt. 3) is **DENIED** as moot because Plaintiff has paid the filing fee for this action.

DATED this 23rd day of January, 2009.



BENJAMIN H. SETTLE
United States District Judge

ORDER