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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SPENCER L. MILLER

Petitioner,

v.

BRUCE STOLE,

Respondent.

Case No. C09-5083BHS

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. 4). The Court having considered the Report and Recommendation, Petitioner's failure to file objections, and the remaining record, does hereby find and order:

- (1) The Court adopts the Report and Recommendation; and
- (2) Petitioner's Application to Proceed *In Forma Pauperis* (Dkt. 1) is **DENIED**.

DATED this 22nd day of April, 2009.



BENJAMIN H. SETTLE
United States District Judge

ORDER