

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KIRK ALAN THOMPSON,

Plaintiff,

v.

STAFFORD CREEK CORRECTIONS
CENTER, et al.,

Defendants.

CASE NO. C09-5502BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable J. Richard Creatura, United States District Magistrate Judge, dated May 20, 2010 (Dkt. 20), and Plaintiff's objections to the Report and Recommendation, dated June 1, 2010 (Dkt. 21). The Court has considered the Report and Recommendation, Plaintiff's objections, Defendants' response, and the remaining record, and hereby adopts the Report and Recommendation for the reasons stated herein.

The Magistrate Judge recommends that this action for unauthorized deprivation of personal property be dismissed because the state provides an adequate post-deprivation remedy. When a state provides an adequate post-deprivation remedy for an unauthorized taking of property, there is no cause of action pursuant to 42 U.S.C. §1983. *Hudson v. Palmer*, 468 U.S. 517 (1984).

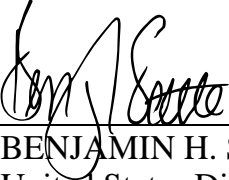
ORDER – 1

1 Plaintiff's objection lacks merit, as the claim for relief pursuant to a criminal statute is
2 not cognizable. *See Rockefeller v. U.S. Court of Appeals Office for Tenth Circuit Judges*,
3 248 F. Supp. 2d 17, 23 (D.D.C. 2003).

4 Therefore, it is hereby **ORDERED** as follows:

- 5 (1) The Court adopts the Report and Recommendation; and
6 (2) Defendant Crain's motion to dismiss (Dkt. 15) is **GRANTED**. This dismissal
7 counts as a strike pursuant to 28 U.S.C. 1915 (g), as it is for failure to state a
8 claim.

9
10 DATED this 25th day of June, 2010.

11
12 
13 _____
14 BENJAMIN H. SETTLE
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27