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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 THOMAS DENTON,

11 Plaintiff,

12 v.

13 FRED FOGUEROG, *et al.*,

14 Defendants.

No. 10-5093RJB/JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

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16 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
17 Richard Creatura, objections to the Report and Recommendation (Dkt. 16), and the remaining
18 record, does hereby find and ORDER:

- 19 (1) The Court **ADOPTS** the Report and Recommendation (Dkt. 13).
- 20 (2) Plaintiff paid the filing fee in this matter. Dkt. 1. On June 15, 2010, plaintiff filed
21 objections to the Report and Recommendation, requesting that the court grant his
22 motion to proceed *in forma pauperis* so that the court would effectuate service of
23 the summons and complaint. With his objections, plaintiff filed an inmate trust
24 account statement showing that the account had average monthly receipts of
25 \$149.18 from December 1, 2009 to May 31, 2010. Dkt. 16, at 3. Because plaintiff
26 paid the filing fee in this matter, his motion for *in forma pauperis* status is
DENIED. Plaintiff's request that the court effectuate service of the summons and
complaint (Dkt. 16) is **DENIED**. Plaintiff is responsible for service of this action
in accordance with the Fed. Rules of Civil Procedure.

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

1 (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.
2 Richard Creatura.

3 DATED this 24th day of June, 2010.

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5 ROBERT J. BRYAN
6 United States District Judge

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