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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TOBY MASSE,

Plaintiffs,

v.

PAT GLEBE, *et al*,

Defendants.

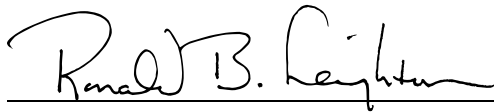
Case No. C10-5165RBL

ORDER ADOPTING A REPORT AND
RECOMMENDATION

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

1. The Court adopts the Report and Recommendation;
2. This action is dismissed WITHOUT PREJUDICE as plaintiffs cannot challenge the fact or duration of his prison term in a Civil Rights Action.
3. The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Richard Creatura.

DATED this 18th day of June, 2010.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE