
United States District Court

WESTERN DISTRICT OF WASHINGTON

KEVIN JOSEPH SMITH

JUDGMENT IN A CIVIL CASE

v.

ELDON VAIL

CASE NUMBER: C10-5614RJB/JRC

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

the Court **ADOPTS** the Report and Recommendation (Dkt. 23). This action is **DISMISSED WITH PREJUDICE** for failure to state a claim. The dismissal counts as a strike pursuant to 29 U.S.C. 1915(g). Plaintiff's *in forma pauperis* status is revoked for appeal pursuant to 28 U.S.C. 1915(A)(3).

 January 5, 2011
Date

 WILLIAM M. McCOOL
Clerk

 s/CM Gonzalez
Deputy Clerk