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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEVIN JOSEPH SMITH,

Plaintiff,

v.

ALEXIS T. WALLACE,

Defendant.

No. C10-5763 RBL/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

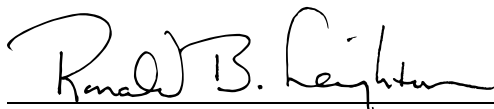
The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED without prejudice** prior to service for failure to state

a claim.

(3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any Defendants who have appeared, and to the Hon. Karen L. Strombom.

DATED this 27th day of December, 2010.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE