

United States District Court

WESTERN DISTRICT OF WASHINGTON

LENIER AYERS,

v.

KELLY CUNNINGHAM, *et al.*,

JUDGMENT IN A CIVIL CASE

Case No. C10-5850RJB/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.

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

1. The Court **ADOPTS** the Report and Recommendation (Dkt. 4);
2. This action is **DISMISSED** pursuant to 28 U.S.C. 1915 (e) (2) (A) as the affidavit of poverty is untrue;
3. The motion to proceed in forma pauperis is **DENIED**. Further, pursuant to 28 U.S.C. 1915 (a)(3) an appeal *in forma pauperis* may not be taken as the appeal would not be in good faith; and
4. Plaintiff's Motion for Stay to Be Removed and Service of Action to Be Commenced on the Defendant's [sic] in CSN C10-5850 (Dkt. 5) is **DENIED**.

January 10, 2011

Date

WILLIAM M. McCOOL

Clerk

s/ Mary Trent

Deputy Clerk