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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 THOMAS WILLIAM SINCLAIR  
7 RICHEY,  
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9 v.  
10 DENNIS THAUT,  
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Plaintiff,  
Defendant.

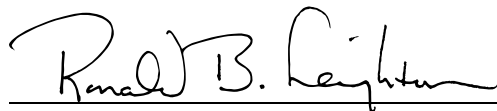
No. C11-5680 RBL/KLS

**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) Defendants' Motion to Dismiss (ECF No. 14) is **GRANTED**; Plaintiff's claims are **Dismissed without Prejudice for failure to exhaust and that the dismissal count as a strike pursuant to 28 U.S.C. § 1915(g)**.
- 3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendant and to the Hon. Karen L. Strombom.

**DATED** this 26<sup>th</sup> day of March, 2011.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE