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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 CARL A. BROOKS,

9 Plaintiff,

10 v.

11 CHRISTINE O GREGOIRE,

12 Defendant.

CASE NO. C12-5623 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 5) and
15 Plaintiff Carl Brooks’ (“Brooks”) objections to the R&R (Dkt. 7).

16 On August 29, 2012, Judge Creatura issued the R&R recommending that the Court
17 grant Brooks’ motion to dismiss his complaint because the complaint was inadvertently
18 accepted as a new case when it should have been filed as an amended complaint in
19 pending proceeding. Dkt. 5. On September 24, 2012, Brooks filed objections essentially
20 asking the Court to stay this case pending any decision in the other proceeding. Dkt. 7.
21 The objections are without merit as Brooks is not entitled to concurrent proceedings on
22 the same complaint.

1 Therefore, the Court having considered the R&R, Brooks' objections, and the
2 remaining record, does hereby find and order as follows:

3 (1) The R&R is **ADOPTED**; and

4 (2) This action is **DISMISSED**.

5 Dated this 1st day of November, 2012.

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10 BENJAMIN H. SETTLE
11 United States District Judge