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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GARY TANNER,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,
TAMMY NIKULA, MARK SHERWOOD,
JAMES GALLEGOS, SGT PATRICIA
MCCARTY, CUS DENNIS CHERRY,
PREA INVESTIGATORS,

Defendants.

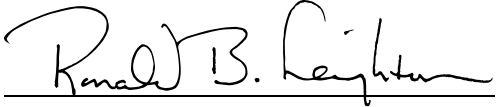
No. C12-5876 RBL/KLS

**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 and this dismissal **shall count as a "strike" under 28 U.S.C. § 1915(g).**
- (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 23rd day of April, 2013.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE