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

6 LARRY LLOYD,

7 Plaintiff,

8 v.

9 BRIAN YANKEY, JOHNSON, BRUCE
10 KALER, SUE STEVEN, JOHN DOE,

11 Defendants.

No. C12-5913 RJB/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION GRANTING
DEFENDANT BRIAN YANKEY'S
MOTION TO DISMISS**

12 This matter comes before the Court on the Report and recommendation of U.S.
13 Magistrate Judge Karen L. Strombom. Dkt. 42. The Magistrate Judge recommends that
14 Defendant Bryan Yankey's motion to dismiss be granted and Plaintiff's claims against him be
15 dismissed. Plaintiff has filed an objection to the Report and Recommendation.

16 The Court has reviewed the objections and finds that they are no more than a restatement
17 of Plaintiff's arguments made in response to the motion to dismiss. The Magistrate Judge
18 considered all allegations in Plaintiff's complaint and determined he had failed to state a claim
19 under 42 U.S.C. §1983. As detailed in the Report and Recommendation, Defendant Yankey
20 examined Plaintiff's injury and he was seen immediately thereafter by medical personnel.
21 Therefore, he cannot establish that Defendant Yankey subjected him to a substantial risk of
22 serious physical harm by failing to photograph his injury.
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24 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
25 L. Strombom, objections to the Report and Recommendation, and the remaining record, does
26 hereby find and **ORDER:**

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

- 1 (1) The Court adopts the Report and Recommendation.
- 2 (2) Defendant Yankey's Motion to Dismiss (Dkt. 23) is **GRANTED**; Plaintiff's
- 3 claims against Dale Yankey are **DISMISSED WITH PREJUDICE**.

4 **DATED** this 28th day of May, 2013.

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7 ROBERT J. BRYAN
8 United States District Judge
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