

HONORABLE RONALD B. LEIGHTON

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARNELL O MCGARY,

Plaintiff,

v.

KELLY CUNNINGHAM,

Defendant.

CASE NO. C13-5130 RBL-JRC

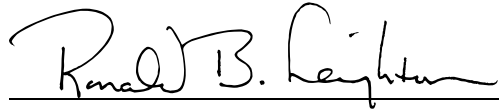
ORDER ADOPTING REPORT AND
RECOMMENDATIONS

The Court, having reviewed the petition, the Report and Recommendation of United States Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

1. The Court adopts both Report and Recommendations presented (Dkt. # 77, 78).
2. The motion for injunctive relief (Dkt. # 54) is **DENIED**;
3. The motion to dismiss (Dkt. # 46) is **GRANTED in part** and **DENIED in part**; the part of the motion based on absolute immunity is granted, the Court denies the motion as to other arguments raised.

1 4. The Clerk is directed to send copies of this Order to plaintiff, defendant's counsel, and to
2 United States Magistrate Judge J. Richard Creatura.

3 Dated this 22nd day of May, 2014.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE