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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

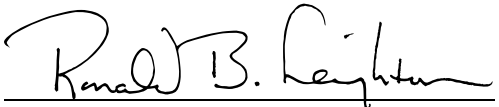
DARNELL O MCGARY,  
  
Plaintiff,  
  
v.  
  
KELLY CUNNINGHAM et al.,  
  
Defendant.

CASE NO. C13-5130 RBL-JRC  
  
ORDER

The Court having reviewed the Report and Recommendation of the Hon. J. Richard Creatura, 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) The Court denies plaintiff’s motion for summary judgment (Dkt. 114), and grants defendants’ cross motion for summary judgment for summary judgment (Dkt. 122), for the reasons outlined in the Report and Recommendation. Defendant Lindquist’s motion for summary judgment (Dkt. 143) will be addressed separately.

DATED this 22<sup>nd</sup> day of December, 2014.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE