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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

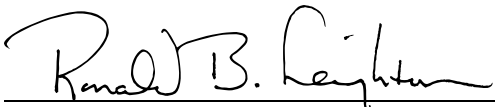
DARNELL MCGARY,  
  
Plaintiff,  
  
v.  
  
KELLY CUNNINGHAM et al.  
  
Defendants.

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 State defendants' motion to dismiss, ECF No 44, is granted in part and denied in part consistent with the Report and Recommendation. Defendants Buder and Inslee are dismissed from this action with prejudice. Defendant Cunningham's motion to dismiss is denied.

DATED this 1<sup>st</sup> day of November, 2013.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE