

HONORABLE RONALD B. LEIGHTON

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THURMAN F SHERRILL,

Plaintiff,

v.

BERNARD WARNER,

Defendant.

CASE NO. C13-5314 RBL

ORDER

This Court referred Thurman Sherrill’s 42 U.S.C. § 1983 civil rights action to Magistrate Judge Creatura. Sherrill is an inmate in the custody of the Washington Department of Corrections. He has alleged that he has been denied equal protection and discriminated against because he has been denied extended family visits. Judge Creatura has issued a report and recommendation recommending that this Court grant Defendant’s motion for summary judgment.

Judge Creatura’s recommendation is based, in part, on Sherrill’s failure to show that he is similarly situated to inmates that have been granted extended family visits. Sherrill has objected to the report and recommendation and submitted “new evidence” in an attempt to show that he is actually similarly situated to at least one inmate who has been granted extended family visits.

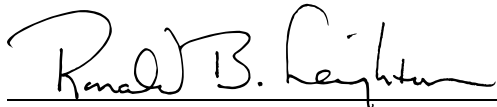
1 The Court notes that Sherrill's "new evidence" is untimely. However, even if accepted, the "new
2 evidence" attacks only one of the multiple bases for Judge Creatura's conclusion that Sherrill has
3 failed to prove that he is similarly situated to other inmates who were treated more favorably.

4 The Court, having reviewed the Report and Recommendation of the Hon. J. Richard
5 Creatura, objection to the Report and Recommendation, and the remaining recommendation,
6 does hereby find and Order:

7 (1) The Court adopts the Report and Recommendation;

8 (2) Defendant's motion for summary judgment is granted. Plaintiff fails to show he
9 is similarly situated to inmates granted extended family visits and he fails to
10 allege or show discrimination.

11 Dated this 30th day of October, 2013.

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13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE
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