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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 TERRY L. CALLENDRET,

9 Plaintiff,

10 v.

11 ALVAREZ, et al.,

12 Defendants.

CASE NO. C13-5361 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 9), and
15 Plaintiff Terry L. Callendret’s (“Callendret”) objections to the R&R (Dkt. 11).

16 On June 21, 2013, Judge Strombom issued the R&R recommending that the Court
17 deny Callendret’s motion to proceed *in forma pauperis* and dismiss his complaint without
18 prejudice because it is a civil rights complaint that requests habeas corpus relief. Dkt. 9.

19 On June 28, 2013, Callendret filed objections that, upon review, confirm Judge
20 Strombom’s conclusion that Callendret seeks habeas relief from an administrative
21 infraction and increase in his sentence of imprisonment. Dkt. 11. Therefore, the Court
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1 | having considered the R&R, Callendret's objections, and the remaining record, does
2 | hereby find and order as follows:

- 3 | (1) The R&R is **ADOPTED**;
- 4 | (2) Callendret's complaint is **DISMISSED without prejudice**;
- 5 | (3) Callendret's motion to proceed *in forma pauperis* is **DENIED**; and
- 6 | (4) the Clerk shall remove the pending motions and close this case.

7 | Dated this 19th day of August, 2013.

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10 | BENJAMIN H. SETTLE
11 | United States District Judge

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