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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 JIMI JAMES HAMILTON,

11 Plaintiff,

12 v.

13 SCOTT FRAKES et al.

14 Defendant.

CASE NO. C13-5422 RJB

ORDER DECLINING ADOPTION  
OF REPORT AND  
RECOMMENDATION

15  
16 The Magistrate Judge recommends that Plaintiff's motion for voluntary dismissal of this  
17 42 U.S.C. § 1983 civil rights action be granted. Dkt. 33. The Plaintiff has filed an objection/  
18 motion to rescind earlier motion for voluntary withdrawal. Dkt. 34.

19 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
20 Richard Creatura, objection to the Report and Recommendation, and the remaining record, does  
21 hereby find and **ORDER:**

- 22 1. The Court declines adoption of the Report and Recommendation (Dkt. 33);  
23 2. Plaintiff's Motion to Rescind motion for voluntary withdrawal of complaint  
24 (Dkt. 34) is **GRANTED**.

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3. The matter is **RE-REFERRED** to the Magistrate Judge for further proceedings.

DATED this 27th day of December, 2013.



ROBERT J. BRYAN  
United States District Judge