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

8 SYLVESTER JAMES MAHONE,

9 Plaintiff,

10 v.

11 PIERCE COUNTY, et al.,

12 Defendants.

CASE NO. C14-5665 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION AND
DENYING DEFENDANTS'
MOTION TO STRIKE

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. 32), and
15 Plaintiff Sylvester Mahone’s (“Mahone”) objections to the R&R (Dkt. 38).

16 On August 25, 2014, Mahone filed a 42 U.S.C. § 1983 suit against Pierce County,
17 Pierce County Sheriff Paul Pastor, and three unknown Pierce County Jail Deputies
18 (collectively “Pierce County”). Dkt. 5. On November 7, 2014, Mahone filed an
19 “emergency motion” to be immediately placed in federal custody because Pierce County
20 Correctional Deputies were threatening his life. Dkt. 21.

21 On December 19, 2014, Judge Strombom issued the R&R recommending that the
22 Court deny Mahone’s motion. Dkt. 32. On December 31, 2014, Mahone filed

1 objections. Dkt. 38. On January 15, 2015, Pierce County responded and moved to strike
2 statements in Mahone's objections. Dkt. 41.

3 Federal Rule of Civil Procedure 72(b) governs objections to a magistrate judge's
4 recommended disposition. Rule 72(b) provides as follows:

5 The district judge must determine de novo any part of the magistrate
6 judge's disposition that has been properly objected to. The district judge
7 may accept, reject, or modify the recommended disposition; receive further
8 evidence; or return the matter to the magistrate judge with instructions.

9 Fed. R. Civ. P. 72(b)(3).

10 Mahone objects to the R&R, arguing that Judge Strombom failed to consider the
11 latest threats made against him. Dkt. 38 at 3. Mahone detailed these threats in his
12 supplemental declaration, which he submitted as a surrebuttal to Pierce County's reply.
13 Dkt. 34. The Court has reviewed Mahone's evidence. This evidence, however, does not
14 establish a threat of irreparable or immediate injury. Mahone fails to satisfy the
15 requirements for a preliminary injunction, as set forth by Judge Strombom in the R&R.
16 See Dkt. 32 at 5-7. The Court therefore agrees with Judge Strombom that Mahone's
17 emergency motion should be denied.

18 Pierce County asks the Court to strike various statements in Mahone's objections
19 because the statements are inadmissible. Dkt. 41 at 2. The Court, however, may consider
20 inadmissible evidence when deciding whether to issue a preliminary injunction. *Flynt*
21 *Distrib. Co., Inc. v. Harvey*, 734 F.2d 1389, 1394 (9th Cir. 1984). Moreover, Pierce
22 County has not shown that it will be prejudiced by the statements. The Court denies
Pierce County's motion to strike.

