

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT TACOMA

4 SYLVESTER JAMES MAHONE,
5 Plaintiff,

6 v.

7 PAT MCCARTHY, et al.,
8 Defendants.

CASE NO. C14-5812 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

9 This matter comes before the Court on the Report and Recommendation (“R&R”)
10 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 76. The Court
11 having considered the R&R and the remaining record, and no objections having been
12 filed, does hereby find and order as follows:

13 (1) The R&R is **ADOPTED**.

14 (2) Plaintiff failed to sufficiently rebut Defendants’ summary judgment
15 showing regarding his Eighth Amendment claims and failed to raise a genuine issue of
16 material fact to establish that Defendants acted with deliberate indifference to his health
17 and safety. Defendants’ motion for summary judgment (Dkt. 57) is **GRANTED** pursuant
18 to Rule 56 of the Federal Rules of Civil Procedure and this case is closed.

19 Dated this 6th day October, 2016.

20 

21 BENJAMIN H. SETTLE
22 United States District Judge