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

8 ARNOLD FLORES,

9 Plaintiff,

10 v.

11 CITY OF LAKEWOOD, et al.,

12 Defendants.

CASE NO. C15-5013BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 114), and
15 Plaintiff Arnold Flores’s (“Flores”) objections to the R&R (Dkt. 115).

16 On September 30, 2016, Judge Creatura issued the R&R recommending that the
17 Court grant Defendants’ motion for summary judgment because no questions of material
18 fact remain for trial. Dkt. 114. On October 13, 2016, Flores filed objections. Dkt. 115.

19 The district judge must determine de novo any part of the magistrate judge’s
20 disposition that has been properly objected to. The district judge may accept, reject, or
21 modify the recommended disposition; receive further evidence; or return the matter to the
22 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Flores objects to Judge Creatura's conclusion that no reasonable juror
2 would believe Flores's version of the events. While the record contains conflicting
3 versions of the circumstances surrounding Flores's shooting, Flores relies on his wife's
4 testimony at his criminal trial that Flores takes out of context (Dkt. 114 at 10) and
5 Flores's medical report that shows four wounds (*id.* at 12). In fact, Flores admits that he
6 doesn't remember being shot by the police. *Id.* at 11–12. In light of the overwhelming
7 evidence that directly contradicts Flores's version of the shooting, including video
8 evidence, the Court agrees with Judge Creatura that no reasonable juror would believe
9 Flores. *Scott v. Harris*, 550 U.S. 372 (2007). Therefore, the Court having considered the
10 R&R, Flores's objections, and the remaining record, does hereby find and order as
11 follows:

- 12 (1) The R&R is **ADOPTED**;
- 13 (2) Defendants' motion for summary judgment is **GRANTED**;
- 14 (3) Flores's *in forma pauperis* status is **REVOKED**; and
- 15 (4) The Clerk shall enter **JUDGMENT** in favor of Defendants and close this
16 case.

17 Dated this 1st day of December, 2016.

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BENJAMIN H. SETTLE
United States District Judge