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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILLIAM WOMACK,

Plaintiff,

v.

L ADAMS, KEVIN BOVENKAMP, B  
BRAID, CHRIS BOWMAN, STEPHEN  
FLEENOR, JOHN/JANE DOES, ROY  
GONZALEZ, LIZA ROHRER,  
STEVEN SINCLAIR, SUNDBERG,  
THURSTON COUNTY, THOMAS  
VICARI, WASHINGTON  
DEPARTMENT OF CORRECTIONS,

Defendants.

CASE NO. 3:15-CV-05249-RBL-DWC

ORDER

Plaintiff William Womack, proceeding *pro se* and *in forma pauperis*, filed this civil rights complaint under 42 U.S.C. § 1983. Presently pending is Plaintiff’s Objection to the Court’s Report and Recommendation filed July 1, 2015 (“Objection”). Dkt. 12. Having reviewed Plaintiff’s Objection and the balance of the record, the Court vacates the Report and Recommendation and orders Plaintiff to clarify his request.

1 **BACKGROUND**

2 Plaintiff initiated this lawsuit on April 20, 2015 when he filed a Motion to Proceed *In*  
3 *Forma Pauperis* (“IFP”). Dkt. 1. Plaintiff’s Motion to Proceed IFP was granted and, on June 11,  
4 2015, Plaintiff was ordered to amend his Complaint or show cause why his Complaint should not  
5 be dismissed. Dkt. 9. In the Order, the Court noted there were only two claims which were  
6 proper in the Western District of Washington and the claims appeared to be barred by the statute  
7 of limitations. *Id.* at pp. 3-4. Plaintiff was notified if he failed to state viable claims against  
8 Defendants residing in or events occurring in the Western District, the Eastern District of  
9 Washington would be the proper venue as the remaining Defendants reside and the events  
10 occurred in the Eastern District. *Id.* at p. 11. The Court instructed Plaintiff to show cause why his  
11 Complaint should not be dismissed without prejudice as to his right to refile a complaint  
12 containing only claims arising in the Western District of Washington. *Id.*

13 On June 26, 2015, Plaintiff filed a Motion to Voluntarily Dismiss his case and requested  
14 the Court waive collection of the balance of his filing fee. Dkt. 10. The Court recommended  
15 Plaintiff’s Motion for Voluntary Dismissal be granted and the request to waive the collection of  
16 the filing fee be denied. Dkt. 11. Plaintiff’s Objection to the Report and Recommendation asks  
17 the Court to:

18 [v]oluntarily dismiss this action and either transfer or waive the  
19 filing fee to allow him to file in the Eastern District Court of  
Washington.

20 Dkt. 12. Plaintiff has not filed an amended complaint containing only claims arising in the  
21 Western District of Washington.



1 **CONCLUSION**

2 Based on the foregoing reasons, the July 1, 2015 Report and Recommendation is vacated.  
3 Plaintiff must file motions described above on or before August 17, 2015. The Clerk is directed  
4 to note this matter for August 21, 2015.

5 Dated this 17th day of July, 2015.

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7 David W. Christel  
8 United States Magistrate Judge  
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