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

8 JAMES ALLEN SUSKE KINNEY,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON, et al.,

12 Defendants.

CASE NO. C15-5354 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

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. 10), and
15 Plaintiff James Allen Suske Kinney’s (“Kinney”) objections to the R&R (Dkt. 11).

16 On July 6, 2015, Judge Strombom issued the R&R recommending that the Court
17 dismiss Kinney’s complaint without prejudice for failure to state a claim and for failure to
18 correct identified deficiencies in the original complaint. Dkt. 10. On July 23, 2015,
19 Kinney filed a notice of appeal. Dkt. 11.

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

3 In this case, Kinney filed a notice of appeal instead of objections. Because Kinney
4 failed to file substantive arguments objecting to any portion of the R&R, the Court will
5 review the R&R for clear err. Upon review of the R&R, the Court finds no err.
6 Therefore, the Court having considered the R&R, Kinney's appeal, and the remaining
7 record, does hereby find and order as follows:

- 8 (1) The R&R is **ADOPTED**; and
9 (2) This action is **DISMISSED without prejudice**.

10 Dated this 31st day of August, 2015.

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BENJAMIN H. SETTLE
United States District Judge