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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMY PUTNAM BAKKE,

Plaintiff,

v.

CLARK COUNTY JAIL, et al.,

Defendants.

CASE NO. C15-5713BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 39), and Plaintiff Jeremy Putnam Bakke’s (“Bakke”) objections to the R&R (Dkt. 40).

On August 17, 2016, Judge Christel issued the R&R recommending that the Court grant Defendants’ motion for summary judgment because Bakke failed to submit evidence creating a question of fact that (1) he suffered harm because of the alleged unsanitary jail conditions or was exposed to an objectively serious risk of harm, (2) he suffered any harm because of overcrowding at the jail, or (3) he suffered harm because of the lack of emergency buttons at the jail. Dkt. 39. On August 30, 2016, Bakke filed objections and submitted pictures and newspaper articles to support his claims. Dkt. 40.

1 On September 1, 2016, Defendants responded. Dkt. 41. On September 9, 2016, Plaintiff
2 replied. Dkt. 43.

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

7 In this case, Bakke's objections are without merit. Even if the Court accepted
8 Bakke's pictures as admissible, at most the pictures show the existence of mold. Bakke,
9 however, has still failed to show harm or an objectively serious risk of harm because of
10 the mold. Regarding the newspaper articles, these articles do not show that he suffered
11 harm because of the overcrowding or lack of emergency buttons. Therefore, the Court
12 having considered the R&R, Bakke's objections, and the remaining record, does hereby
13 find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
- 15 (2) Bakke's motion for summary judgment is **DENIED**;
- 16 (3) Defendants' motion for summary judgment is **GRANTED**; and
- 17 (4) The Clerk shall enter **JUDGMENT** for Defendants and close this case.

18 Dated this 24th day of October, 2016.

19 

20 BENJAMIN H. SETTLE
21 United States District Judge
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