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

8 JORDAN DAVID KNIPPLING,

9 Plaintiff,

10 v.

11 GAIL ROBBINS,

12 Defendant.

CASE NO. 15-5829 RJB

ORDER ON REPORT AND
RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation of U.S.
14 Magistrate Judge J. Richard Creatura. Dkt. 347. The Court has reviewed the Report and
15 Recommendation, the objections, if any, and is fully advised.

16 The Plaintiff filed this case on November 16, 2015, pursuant to 42 U.S.C. § 1983,
17 asserting claims related to the handling of various grievances and the Defendant's and others'
18 treatment of him. Dkt. 6.

19 On November 28, 2016, a Report and Recommendation (Dkt. 34) was adopted,
20 Defendants' motion for summary judgement was granted, in part, and Plaintiff's claims for
21 violation of his equal protection and due process rights were dismissed. Dkt. 41. The Defendant
22 did not specifically address the Plaintiff's claims for violation of his Sixth Amendment rights,
23 First Amendment rights or for retaliation, and so the motion for summary dismissal of all claims
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1 was denied. *Id.* On February 17, 2017, the instant Report and Recommendation (Dkt. 47) was
2 filed. It recommends that Defendants' motion for summary judgment on the remaining claims
3 be granted and the case dismissed. *Id.* It also recommends that Defendants' motion, for the
4 dismissal to be counted as a strike pursuant to 28 U.S.C. § 1915, be denied.

5 The February 17, 2017 Report and Recommendation (Dkt. 47) should be adopted,
6 Defendants' motion for summary judgment (Dkt. 45) should be granted, and the case dismissed.
7 The Defendants' motion for the dismissal to be counted as a strike under 28 U.S.C. § 1915
8 should be denied.


9 **ORDER**

10 It is **ORDERED** that:

- 11 • The Report and Recommendation (Dkt. 47) **IS ADOPTED**;
- 12 • Defendants' Second Motion for Summary Judgment (Dkt. 45) **IS GRANTED**;
- 13 • Plaintiff's claims **ARE DISMISSED**; and
- 14 • Defendants' motion for the dismissal to count as a strike under 28 U.S.C. § 1915
15 **IS DENIED**.

16 The Clerk is directed to send uncertified copies of this Order to Magistrate Judge J.
17 Richard Creatura, all counsel of record and to any party appearing *pro se* at said party's last
18 known address.

19 Dated this 13th day of March, 2017.

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21 ROBERT J. BRYAN
22 United States District Judge
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