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2 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
3 AT TACOMA

4 ETIENNE L. CHOQUETTE,

5 Plaintiff,

6 v.

7 BERNARD E. WARNER, et al.,

8 Defendants.

CASE NO. C15-5838 BHS-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

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10 This matter comes before the Court on the Report and Recommendation (“R&R”)
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 62. The Court
12 having considered the R&R and the remaining record, and no objections having been
13 filed, does hereby find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
- 15 (2) Defendants’ motion to dismiss attacks the second amended complaint (Dkt.
16 14), which is “non-existent” because Plaintiff filed a third amended complaint (Dkt. 61).
17 Defendants’ motion to dismiss (Dkt. 40) is denied as moot.

18 Dated this 7th day of December, 2016.

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21 BENJAMIN H. SETTLE
22 United States District Judge