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

8 RAY CHARLES HARRIS,

9 Plaintiff,

v.

10 PIERCE COUNTY JAIL
11 CLASSIFICATION AND
ADMINISTRATION OFFICE, et al.,

12 Defendants.

CASE NO. C16-5044 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION IN
PART AND REREFERRING

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14 This matter comes before the Court on the Report and Recommendation (“R&R”)
15 of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 86), and
16 Plaintiff Ray Charles Harris’s (“Harris”) objections to the R&R (Dkt. 87).

17 On March 3, 2017, Judge Christel issued the R&R recommending that the Court
18 grant Defendants’ motion to dismiss and dismiss Harris’s complaint with prejudice and
19 without leave to amend. Dkt. 86. On March 14, 2017, Harris filed objections. Dkt. 87.
20 On March 23, 2017, Defendants responded. Dkt. 88. On April 25, 2017, Harris filed a
21 proposed third amended complaint. Dkt. 91.
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1 The district judge must determine de novo any part of the magistrate judge's
2 disposition that has been properly objected to. The district judge may accept, reject, or
3 modify the recommended disposition; receive further evidence; or return the matter to the
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 In this case, Harris appears to concede that his complaint fails to contain sufficient
6 factual allegations to state claims for relief, but argues that he should be allowed leave to
7 amend. Dkt. 87. Harris asserts that he misunderstood Judge Christel's prior order and, if
8 given the opportunity to amend, would correct the deficiencies identified in his current
9 complaint. *Id.* The Court concludes that Harris has sufficiently shown that he should be
10 granted leave to amend his complaint to correct the identified deficiencies. Therefore,
11 the Court having considered the R&R, Harris's objections, and the remaining record,
12 does hereby find and order as follows:

- 13 (1) The R&R is **ADOPTED in part** and Defendants' motion to dismiss is
14 **GRANTED**;
- 15 (2) Harris is **GRANTED** leave to amend his complaint; and
- 16 (3) The matter is rereferred for further proceedings.

17 Dated this 27th day of April, 2017.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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