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

8 TERRANCE JON IRBY,  
9 Plaintiff,

10 v.

11 MARGRET GILBERT, et al.,  
12 Defendant.

CASE NO. 16-cv-05052 RBL

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

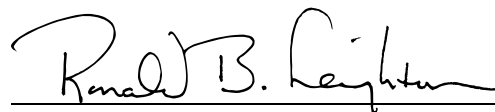
13 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
14 Richard Creatura, objections to the Report and Recommendation, if any, and the remaining  
15 record, does hereby find and **ORDER:**

16 (1) The Court adopts the Report and Recommendation.

17 (2) Based on the three strikes rule of § 1915(g), plaintiff's application to proceed IFP  
(Dkt. 1) is DENIED. Plaintiff is directed to pay the \$400.00 filing fee in order to proceed with  
18 this complaint.

19 (3) All pending motions are re-noted for thirty (30) days after entry of the this order,  
20 pending plaintiff's payment of the \$400 filing fee.

21 **DATED** this 18<sup>th</sup> day of April, 2016.

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23 Ronald B. Leighton  
24 United States District Judge