

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD C. HAYES,

Plaintiff,

v.

STATE OF WASHINGTON,
DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

CASE NO. C16-5095BHS-DWC

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. 144. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Defendant Duong’s Motion for Judgment on the Pleadings (Dkt. 124) and Defendants Smith and Warner’s Motion for Summary Judgment (Dkt. 127) are **DENIED as moot**; and
- (3) Defendant Warner is **DISMISSED** from this action.

Dated this 23rd day of May, 2017.


BENJAMIN H. SETTLE
United States District Judge