

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 SAMUEL GOODALL,

9 Plaintiff,

10 v.

11 C/O HATCH, C/O K. ADAMS, SGT.  
12 McMAINS, GRIEVANCE  
13 COORDINATOR JEFFREY RUDE,  
SUPERINTENDENT MAGGIE  
MILLER-STOUT, and DEPARTMENT  
OF CORRECTIONS,

14 Defendants.

CASE NO. 16-cv-5342-RBL

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

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

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

19 (2) Defendants' motion for summary judgment regarding defendant DOC is granted;  
20 and defendants' motion for summary judgment regarding all claims for damages against  
21 individual defendants in their "official capacities" also is granted as these parties are not  
22 "persons" under § 1983. These claims are dismissed with prejudice.  
23  
24

1 (3) Due to lack of alleged personal participation, defendants' motion for summary  
2 judgment regarding defendants Rude and Miller-Stout is granted.

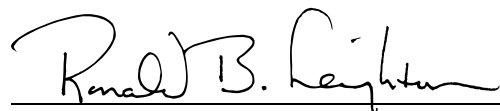
3 (4) Because plaintiff has failed to refute defendants' arguments and evidence  
4 demonstrating that the use of force was not excessive, defendants' motion for summary judgment  
5 regarding plaintiff's claim that excessive force was used against him is granted.

6 (5) Based on a complete lack of factual support, defendants' motion for summary  
7 judgment regarding plaintiff's claim that defendants conspired against him is granted.

8 (6) The Court should decline to extend supplemental jurisdiction over plaintiff's  
9 unrelated state law claims pursuant to the Washington Public Records Act. These claims should  
10 be dismissed without prejudice.

11 (7) Defendants' motion for summary judgment is granted and plaintiff's complaint is  
12 dismissed.

13  
14 **DATED** this 12<sup>th</sup> day of June, 2017.

15  
16 

17 Ronald B. Leighton  
18 United States District Judge  
19  
20  
21  
22  
23  
24