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

5 JESS R. SMITH,

6 Plaintiff,

7 v.

8 BARBARA GRONSETH, et al.,

9 Defendants.

CASE NO. C16-5775 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge, Dkt. 80, and Plaintiff Jess Smith’s (“Smith”) objections to the R&R, Dkt. 81.

11 On August 16, 2018, Judge Christel issued the R&R recommending that the Court grant Defendants’ motion for summary judgment and close the case. Dkt. 80. On August 12 13 14 15 20, 2018, Smith objected. Dkt. 81.

16 The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or 17 18 19 modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

20 In this case, Smith objects to almost every portion of the R&R. Smith, however, 21 22 fails to present any persuasive argument in support of his position. Smith claims that Defendants violated his right of access to the courts by failing to provide access to out-of-

1 state case law. Judge Christel concluded that Smith failed to establish any actual injury
2 based on the denial of Smith's petition to the Supreme Court or denial of his personal
3 restraint petition in state court. Dkt. 80 at 5-10. Although Smith objects to these
4 conclusion, he fails to establish how any case from another state involving that state's
5 laws would assist him in drafting a petition based on federal law or a petition for relief
6 under Washington's laws. Thus, he has failed to show that Judge Christel committed any
7 error.

8 Second, Smith objects to Judge Christel's recommendation that the Court should
9 decline to exercise supplemental jurisdiction over Smith's remaining state law claims.
10 Smith, however, fails to provide any persuasive reason to retain these claims after the
11 Court dismisses his only federal claim. Therefore, the Court having considered the R&R,
12 Smith's objections, and the remaining record, does hereby find and order as follows:

- 13 (1) The R&R is **ADOPTED**;
- 14 (2) Defendants' motion for summary judgment is **GRANTED**, Smith's First
15 Amendment claim is **DISMISSED with prejudice**, and Smith's remaining
16 state law claims are **DISMISSED without prejudice**;
- 17 (3) Smith's *in forma pauperis* status is **REVOKED** for purposes of appeal; and
- 18 (4) The Clerk shall enter **JUDGMENT** and close this case.

19 Dated this 25th day of October, 2018.

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BENJAMIN H. SETTLE
United States District Judge