

1 HONORABLE RONALD B. LEIGHTON

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

9 GREGORY TYREE BROWN,

10 Plaintiff,

v.

11 RICHARD L MORGAN, et al.,

12 Defendants.

CASE NO. C16-5975RBL-TLF

ORDER

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14 THIS MATTER is before the Court on Magistrate Judge Fricke's Report and  
15 Recommendation [Dkt. #87]. The Defendants object to the recommendation that Brown be  
16 permitted to amend his complaint a third time [Dkt. # 87]. The Court is sympathetic to the  
17 Defendants' desire to short-short circuit implausible claims and avoid unnecessary motion  
18 practice. Nevertheless, it adopts the R &R:

- 19 1. The Report and Recommendation is **ADOPTED**;
- 20 2. Plaintiff Brown's motion [Dkt. # 71] seeking to waive the court rule is **GRANTED** and  
21 his alternative request for appointment of counsel is **DENIED**.
- 22 3. Brown's Motion to excuse the untimely filing of his motion to file a third amended  
23 complaint [Dkt. # 73] is **GRANTED**.

1 4. Brown's Motion to File a third amended complaint [Dkt. # 74] is **GRANTED** in part and  
2 **DENIED** in part, as described in the R &R. He should file an amended complaint  
3 consistent with the R & R (and prior rulings) within **21 days** of this Order;

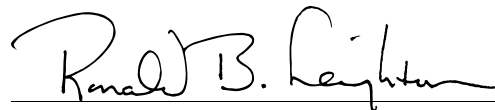
4 5. Brown's claims against Defendants Margo Jensen, Larry Kincheloe, Robert Moore,  
5 Amos Reed, Chase Riveland, Bob Shaw, James Spalding, Eldon Vail, and Robert (Bob)  
6 Wright are **DISMISSED** without prejudice.

7 6. Defendants' Motion to Dismiss (aimed at Brown's second amended complaint) is  
8 **DENIED** and stricken as moot.

9 The clerk shall send copies of this order to Brown, Defendants' counsel, and Magistrate  
10 Judge Fricke.

11 IT IS SO ORDERED.

12 Dated this 22nd day of April, 2020.

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15 Ronald B. Leighton  
16 United States District Judge  
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