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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL JAY PEREZ,  
  
Plaintiff,  
  
v.  
  
RICHARD MORGAN, et al.,  
  
Defendants.

Case No. 3:16-cv-6023-RBL-TLF

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

The Court, having reviewed plaintiff's first amended complaint, Defendant Guidry's second motion to dismiss, the Report and Recommendation of Magistrate Judge Theresa L. Fricke, and the remaining record, does hereby find and **ORDER:**

- 1) The Court adopts the Report and Recommendation [Dkt. #103].
- 2) Defendant Guidry's motion to dismiss [Dkt. #68] is **DENIED**.
- 3) This matter is **re-referred** to Magistrate Judge Theresa L. Fricke.
- 4) The Clerk is directed to send copies of this Order to plaintiff and to counsel for defendants.

**DATED** this 11<sup>th</sup> day of September, 2017.

  
Ronald B. Leighton  
United States District Judge