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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 DANIEL JAY PEREZ,

8 Plaintiff,

9 v.

10 DICK MORGAN, et al,

11 Defendants.

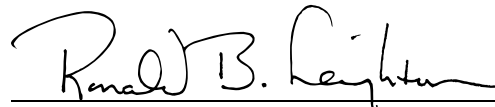
Case No. 3:16-cv-6023 RBL-TLF

ORDER GRANTING DEFENDANT
MORGAN'S MOTION TO DISMISS

12 The Court, having reviewed the Report and Recommendation of United States Magistrate
13 Judge Theresa L. Fricke, and the remaining record, does hereby find and **ORDER**:

- 14 (1) The Court adopts the Report and Recommendation [Dkt. #102];
- 15 (2) Defendant Dick Morgan's motion to dismiss [Dkt. #62] is **GRANTED**. Plaintiff's
16 claims against Dick Morgan in his individual capacity are **DISMISSED**.
- 17 (3) Plaintiff's claims against Dick Morgan in his official capacity are also
18 **DISMISSED** as Mr. Morgan is no longer the Secretary of the Department of
19 Corrections ("DOC"). The Clerk is directed to **substitute** the new DOC Secretary,
20 Stephen Sinclair, as defendant in this action.
- 21 (4) The Clerk is further directed to send a copy of this Order to plaintiff and to counsel
22 for defendants.

23 Dated this 11th day of September, 2017.

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Ronald B. Leighton
United States District Judge