

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 complaint, Defendant Guidry's motion to dismiss, the Report and Recommendation of Magistrate Judge Theresa L. Fricke, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- 1) The Court adopts the Report and Recommendation.
  - 2) Defendant Guidry's motion to dismiss (Dkt. 37) is **DENIED**. Plaintiff may amend his complaint to cure the deficiencies noted in the Court's Order and shall file his amended complaint **within thirty (30) days from the date of this Order**.
  - 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 12<sup>th</sup> day of June, 2017.

Ronald B. Lightner

Ronald B. Leighton  
United States District Judge