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

6 DARREL PATRICK WILLIS,

7 Plaintiff,

8 v.

9 NICK KISER, et al.,

10 Defendants.

CASE NO. C17-5373 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION AND
DISMISSING PLAINTIFF'S
CLAIMS AGAINST DEFENDANT
HERGERT WITHOUT PREJUDICE

11 This matter comes before the Court on the Report and Recommendation ("R&R")
12 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 85. The Court
13 having considered the R&R and the remaining record, and no objections having been
14 filed, does hereby find and order as follows:

- 15 (1) The R&R is **ADOPTED**;
- 16 (2) Defendant Hergert's Motion for Summary Judgment is **GRANTED**; and
- 17 (3) Plaintiff's claims against Defendant Hergert are **DISMISSED**.

18 Dated this 14th day of May, 2019.

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21 BENJAMIN H. SETTLE
22 United States District Judge