

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON LEE SUTTON,

Plaintiff,

v.

DARREN HEAWARD, JEFF KETTEL,
and KENNETH E. MCKINNEY,

Defendants.

CASE NO. 17-5546 RJB-TLF

ORDER ADOPTING REPORT AND
RECOMMENDATION

THIS MATTER comes before the Court on the Report and Recommendation of U.S. Magistrate Judge Theresa L. Fricke. Dkt. 66. The Court has reviewed the Report and Recommendation, objections, if any, and is fully advised.

In this civil rights case, Plaintiff, a *pro se* prisoner, contends that, due to his prior lawsuits against the Department of Corrections (“DOC”) and its staff, the Defendants, who are DOC corrections officers, denied him due process and retaliated against him when they disciplined him after allegedly finding a metal object in his shoe. Dkt. 12. On August 8, 2018, the Report

1 and Recommendation was filed, recommending that the Defendants' motion for summary
2 judgment be granted and the case dismissed. Dkt. 66.

3 **DISCUSSION**

4 The Report and Recommendation (Dkt. 66) should be adopted and the case dismissed.
5 The Plaintiff has failed to demonstrate that there are genuine issues of material fact. Defendants
6 have shown that they are entitled to a judgment as a matter of law. The Defendants' motion for
7 summary dismissal should be granted.

8 **ORDER**

9 It is **ORDERED** that:

- 10 • The Report and Recommendation (Dkt. 66) **IS ADOPTED**; and
11 • The case **IS DISMISSED**.

12 The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge
13 Theresa L. Fricke, all counsel of record, and to any party appearing *pro se* at said party's last
14 known address.

15 Dated this 28th day of August, 2018.

16 

17 ROBERT J. BRYAN
18 United States District Judge