

1 HONORABLE RONALD B. LEIGHTON

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 JOHN GARRETT SMITH,

10 Plaintiff,

v.

11 JOHN HENRY BROWNE,

12 Defendant.

CASE NO. C18-5166 RBL

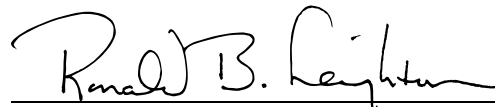
ORDER

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14 THIS MATTER is before the Court on Magistrate Judge Fricke's Report and  
15 Recommendation [Dkt. # 8], and Plaintiff Smith's Objections [Dkt. # 10] to that R & R.  
16 The Objections are not well-taken.

17 The R&R is ADOPTED. Smith's application to proceed *in forma pauperis* [Dkt. # 4] and  
18 motion to amend [Dkt. # 5] are DENIED, and Smith's proposed complaint [Dkt. # 1-1] is  
19 DISMISSED without leave to amend. The Court find this action to be frivolous and/or malicious and  
20 will treat the dismissal as a strike under 28 U.S.C. § 1915.

21 IT IS SO ORDERED.

22 Dated this 30<sup>th</sup> day of July, 2018.

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Ronald B. Leighton  
United States District Judge