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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

11 DAVID WILLIAM RICARDEZ,

12 Plaintiff,

13 v.

14 DAVID EDWARDS, *et al.*,

15 Defendants.

CASE NO. 3:21-cv-05437-RAJ-JRC

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

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17 The Court, having reviewed the report and recommendation of Magistrate Judge J.
18 Richard Creatura, objections to the report and recommendation, if any, and the remaining
19 record, does hereby find and ORDER:

- 20
21 (1) The Court adopts the report and recommendation.
22 (2) The second amended complaint (Dkt. 15) is DISMISSED without
prejudice.
23 (3) All pending motions are DENIED as moot.
24

1 (4) The Clerk is directed to SEND plaintiff a copy of this District's form for §
2 2254 actions together with the report and recommendation and this order.
3 Plaintiff may file a **new, separate** § 2254 action on the Court-provided
4 form. The Clerk is further directed to SEND copies of this order to the Hon.
5 J. Richard Creatura.

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8 **DATED** this 10th of January, 2022.

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The Honorable Richard A. Jones
United States District Judge