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

8 RAMON SAUL SILVA, JR.,

9 Plaintiff,

10 v.

11 ROGELIO ZARAGOZA,

12 Defendant.

CASE NO. C21-5444 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)  
14 of the Honorable Theresa L. Fricke, United States Magistrate Judge. Dkt. 9. The Court  
15 having considered the R&R and the remaining record, and no objections having been  
16 filed, does hereby find and order as follows:

- 17 (1) The R&R, Dkt. 9, is **ADOPTED**;
- 18 (2) Plaintiff’s motion for extension of time to pay filing fee, Dkt. 8, and motion  
19 for leave to proceed *in forma pauperis*, Dkt. 1, are **DENIED**;
- 20 (3) The Court finds that Plaintiff may not proceed with *in forma pauperis*  
21 status in the event of any appeal because he has incurred three strikes under  
22 28 U.S.C. § 1915(g);

1 (4) Plaintiff's complaint is **DISMISSED without prejudice**; and

2 (5) The Clerk shall enter JUDGMENT and close this case.

3 Dated this 18th day of November, 2021.

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6 BENJAMIN H. SETTLE  
United States District Judge