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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

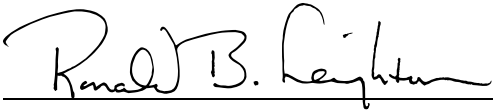
JOHN GARRETT SMITH,
Plaintiff,
v.
DANIEL LLOYD, et al,
Defendants.

Case No. 3:18-cv-05224-RBL-TLF
ORDER DISMISSING PLAINTIFF'S
COMPLAINT

The Court, having reviewed the Report and Recommendation of Judge Theresa L. Fricke, United States Magistrate Judge, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) the Court adopts the Report and Recommendation;
- (2) plaintiff's application to proceed in forma pauperis (Dkt. 4) is DENIED;
- (3) plaintiff's complaint (Dkt. 1-1) is DISMISSED as frivolous and/or malicious
- (4) this dismissal counts as a "strike" under 28 U.S.C. § 1915; and
- (5) the Clerk is directed to send copies of this Order to petitioner, to Magistrate Judge Theresa L. Fricke and to any other party that has appeared in this action.

Dated this 6th day of August, 2018.


Ronald B. Leighton
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN GARRETT SMITH,

Plaintiff,

v.

DANIEL LLOYD, et al.,

Defendants.

JUDGMENT IN A CIVIL CASE

CASE NO. C18-5224RBL

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT

The Court adopts the Report and Recommendation;

Plaintiff's application to proceed in forma pauperis (Dkt. 4) is DENIED;

Plaintiff's complaint (Dkt. 1-1) is DISMISSED as frivolous and/or malicious; and

This dismissal counts as a "strike" under 28 U.S.C. § 1915.

Dated August 14, 2018.

William M. McCool
Clerk of Court

s/CM Gonzalez
Deputy Clerk