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ATTORNEY GENERAL'S OFFICE  
Corrections Division

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Feb 06, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MARVIN KRONA,

Plaintiff,

v.

WSP MSU, CUS BELANGER,  
OFFICER DUEDE, and  
CLASSIFICATION COUNSELOR  
MCCOY,

Defendants.

NO: 4:17-CV-05097-SMJ

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING COMPLAINT**

**1915(g)**

Magistrate Judge Rodgers filed a Report and Recommendation on January 8, 2018, recommending that Plaintiff's complaint be dismissed with prejudice for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1), and that such dismissal count as a strike under 28 U.S.C. § 1915(g). ECF No. 11.

Plaintiff initiated this action while a prisoner at the Monroe Correctional Complex. He was subsequently released and granted leave to proceed *in forma*

ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING COMPLAINT -- 1

2/13/18 *guth m*  
*LM mp*

1 *pauperis*, but with no obligation to pay the filing fee. Plaintiff did not file  
2 objections.

3 For the reasons set forth by Magistrate Judge Rodgers, **IT IS ORDERED**  
4 the Report and Recommendation, ECF No. 11, is **ADOPTED in its entirety**. **IT**  
5 **IS ORDERED** that the Complaint, ECF No. 9, is **DISMISSED WITH**  
6 **PREJUDICE** for failure to state a claim upon which relief may be granted under  
7 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

8 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who  
9 brings three or more civil actions or appeals which are dismissed as frivolous or for  
10 failure to state a claim will be precluded from bringing any other civil action or  
11 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious  
12 physical injury.” 28 U.S.C. § 1915(g). Plaintiff is advised to read the statutory  
13 provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff’s complaint may  
14 count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may  
15 adversely affect his ability to file future claims.

16 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
17 enter Judgment, forward copies to Plaintiff at his last known address, and **CLOSE**  
18 the file. The Clerk of Court is further directed to forward a copy of this Order to  
19 the Office of the Attorney General of Washington, Corrections Division. The Court

1 certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not  
2 be taken in good faith and would lack any arguable basis in law or fact.

3 **DATED** this 6th day of February 2018.

4   
5 SALVADOR MENEZUA, JR.  
6 United States District Judge  
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AO 450 (Rev. 11/11) Judgment in a Civil Action

UNITED STATES DISTRICT COURT

for the Eastern District of Washington

FILED IN THE U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

Feb 06, 2018

SEAN F. MCAVOY, CLERK

MARVIN KRONA,

Plaintiff

v.

WSP MSU, CUS BELANGER, OFFICER DUEDE, and CLASSIFICATION COUNSELOR MCCOY,

Defendant

Civil Action No. 4:17-CV-5097-SMJ

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ATTORNEY GENERAL'S OFFICE Corrections Division

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[ ] the plaintiff (name) recover from the defendant (name) the amount of dollars (\$ ), which includes prejudgment interest at the rate of % , plus post judgment interest at the rate of % per annum, along with costs.

[ ] the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) recover costs from the plaintiff (name)

[x] other: The Report and Recommendation, ECF No. 11, is ADOPTED in its entirety. The Complaint, ECF No. 9, is DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

This action was (check one):

[ ] tried by a jury with Judge presiding, and the jury has rendered a verdict.

[ ] tried by Judge without a jury and the above decision was reached.

[x] decided by Judge Salvador Mendoza, Jr.

Date: February 6, 2018

CLERK OF COURT

SEAN F. MCAVOY

(By) Deputy Clerk

s/Sean F. McAvoy