

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN GARRETT SMITH,

Plaintiff,

v.

SANDRA ALDRIDGE, et al ,

Defendants.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C18-5191RBL/JRC

- 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.
- 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 Report and Recommendation is ADOPTED:

Smith's Petition in this matter [Dkt. #1] necessarily implicates the validity of his underlying conviction and it is DISMISSED without leave to amend.

The petition is duplicative and facially frivolous and it fails to state a claim. It is DEEMED a "strike" for future *in forma pauperis* applications, under 28 U.S.C. § 1915(g).

The Motion for Magistrate Judge Creatura's recusal in this now closed case is DENIED as moot.

Dated this 23rd day of May, 2018

William M. McCool

Clerk

s/CM Gonzalez

Deputy Clerk