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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GEORGE MICHAEL STATEN,

Plaintiff,

v.

JOSHUA R. KELLEMAN, et al.,

Defendants.

Case No. C18-0316-MJP

ORDER OF DISMISSAL

Having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

- (1) The Court ADOPTS the Report and Recommendation;
- (2) Plaintiff's complaint and this action are DISMISSED for failure to state a claim upon which relief may be granted. Plaintiff's federal claims are dismissed with prejudice, and any state-law claims are dismissed without prejudice;
- (3) **This dismissal counts as a STRIKE under 28 U.S.C. § 1915(g)** (prisoner may not proceed *in forma pauperis* if prisoner has, on three or more prior occasions while incarcerated, brought an action or appeal that was dismissed a frivolous, malicious, or for failure to state a claim,

1 unless the prisoner is under imminent danger of serious physical injury); and

2 (4) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

3 Dated this 25th day of May, 2018.

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5 MARSHA J. PECHMAN
6 United States District Judge
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