1 2	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA			
3 4 5	JOHN MICHAEL BALE, Plaintiff,		CASE NO. C12-5803 BHS-JRC ORDER	
6	v. MICHELLE TAYLOR,		· ·	
7	Defendan	ıt.		
8				
9	This matter comes before the Court on the Report and Recommendation ("R&R") of the			
10	Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 6. The Court having			
11	considered the R&R and the remaining record, and no objections having been filed, does hereby			
12	find and order as follows:			
13	(1) The Court adopts the	(1) The Court adopts the Report and Recommendation;		
14 15 16	(2) Plaintiff may not sue his criminal defense attorney in a civil rights action because the attorney does not act under color of state law. <i>Polk County v. Dodson</i> , 454 U.S. 312, 317-18 (1981). This defect in the complaint cannot be cured by amendment. This action is dismissed with prejudice as frivolous prior to service. This dismissal counts as a strike pursuant to 28 U.S.C. 1915 (e) (2) and (g).			
18	(3) In forma pauperis status is revoked for the purpose of appeal.			
19	DATED this 23rd day of October, 2012.			
21	BENJAMIN H. SETTLE			
23			ed States District Judge	
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