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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 THOMAS N. BALL, SR.,

6 Plaintiff,

7 v.

8 DEPARTMENT OF CORRECTIONS, et
al.,

9 Defendants.

CASE NO. C11-5966BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation ("R&R")
11 of the Honorable Karen L. Strombom, United States Magistrate Judge. Dkt. 9. The Court
12 having considered the R&R and the remaining record, and no objections having been
13 filed, does hereby find and order as follows:

14 (1) The R&R is **ADOPTED**; and

15 (2) This action is **DISMISSED without prejudice as frivolous** and the
16 dismissal will count as a **STRIKE** under 28 U.S.C. § 1915(g).

17 Dated this 14th day of March, 2012.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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