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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL A BURNHART,

Plaintiff,

v.

STATE OF WASHINGTON et al.

Defendants.

CASE NO. C11-5845-RBL-JRC

ORDER ADOPTING A REPORT  
AND RECOMMENDATION

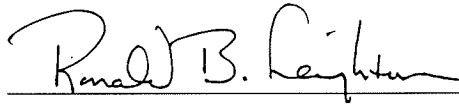
The Court having reviewed the Report and Recommendation of the Hon. J. Richard Creatura, United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation; and
- (2) This action is dismissed with prejudice as malicious with the dismissal counting as a strike pursuant to 28 U.S.C.1915 e(2) and 28 U.S.C. 1915 (g). All pending motions are denied.
- (3) This is the fourth time plaintiff has filed a civil rights action challenging the length of his sentence. He has been repeatedly informed actions of this nature must proceed through habeas corpus.

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Plaintiff's actions are abusive of the judicial process and should not be subsidized and encouraged by the generosity of the in forma pauperis statute.

DATED this 21<sup>st</sup> day of November, 2011.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE