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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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OCT 16 2000
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

RICCI CASTELLANOS,

Plaintiff,

Case No. C00-5539RJB

v.

CLARK COUNTY DISTRICT COURT, et
al.,

Defendants.

ORDER DISMISSING ACTION
PURSUANT TO 28 U.S.C.
§1915(e)(2)(B) AND 28
U.S.C. §1915A(b)(1)

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint and plaintiff's causes of action are DISMISSED without prejudice as frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. §1915A(b)(1);
- (3) Plaintiff may refile the action only if he can demonstrate that his conviction and/or sentence has been invalidated;
- (4) Plaintiff's application to proceed in forma pauperis is DENIED; and
- (5) The Clerk is directed dismiss this action pursuant to 28 U.S.C. §1915(e)(2)(B) and 28 U.S.C. §1915A(b)(1) and to send copies of this Order to plaintiff, to the Hon. J. Kelley Arnold, and to the Office of the Attorney General.

DATED this 16 day of Oct, 2000.

[Signature]
ROBERT J. BRYAN
United States District Judge

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