

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RANDELL EMBRY,

Plaintiff,

v.

PIERCE COUNTY DETENTION  
CORRECTIONS CENTER, *et al*,

Defendants.

Case No. C09-5276 FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
DISMISSING FRIVOLOUS  
COMPLAINT PURSUANT TO  
28 U.S.C. § 1915

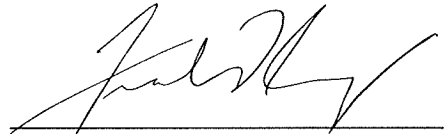
This matter comes before the Court on the recommendation of the magistrate Judge that Plaintiff's civil rights complaint be dismissed as frivolous pursuant to 28 U.S.C. § 1915. As detailed in the Report and Recommendation, Plaintiff has twice been informed of the deficiencies in his complaint and has failed to cure the deficiencies. When an *in forma pauperis* complaint is frivolous, fails to state a claim, or contains a complete defense to the action on its face, the Court may dismiss the complaint before service of process under 28 U.S.C. § 1915(d). Noll v. Carlson, 809 F.2d 1446, 1448 (9<sup>th</sup> Cir. 1987).

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's complaint is **DISMISSED**;
- (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count this as a dismissal under **28 U.S.C. § 1915(g)**; and

1 (4) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. Karen L.  
2 Strombom.

3  
4 DATED this 23<sup>rd</sup> day of November, 2009.

5  
6  
7  
8   
9 \_\_\_\_\_  
10 FRANKLIN D. BURGESS  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28