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

5 PHILLIP BURTON HAUSKEN,

6 Plaintiff,

7 v.

8 KEVIN VANDE WEYE, et al.,

9 Defendants.

CASE NO. C13-5560 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation (“R&R”)  
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 6. 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) The Court dismisses this action as malicious. The Court orders that this  
16 dismissal count as a strike pursuant to 28 U.S.C. § 1915(g). The Court revokes in forma  
17 pauperis status for the purpose of appeal.

18 Dated this 27th day August, 2013.

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21 BENJAMIN H. SETTLE  
22 United States District Judge