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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GEORGE HENDRICKS,	
	Case No. C04-5599FDB
Plaintiff,	
	ORDER ADOPTING
v.	REPORT AND
JOHN HILL,	RECOMMENDATION
Defendant.	

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, 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;
- (2) This action is **DISMISSED AS FRIVOLOUS**. Defendant Hill is a public defender supervisor who does not act under color of state law for purposes of 42 U.S.C. § 1983. Accordingly, plaintiff cannot state a cause of action against this defendant and his attempt to do so is frivolous. This is plaintiff's second attempt to name this defendant.
- (3) Clerk is directed to count this dismissal as a strike under 28 U.S.C. § 1915 (e) and send copies of this Order to plaintiff, and to the Hon. Karen L. Strombom.

DATED this 1<sup>st</sup> day of November 2004.

S/ Franklin D. Burgess  
Franklin D. Burgess  
United States District Judge