

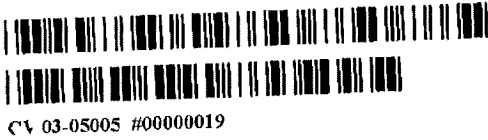
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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

763156
Take to Jail
0211151

FLOYD KIMBALL,

Plaintiff,

v

JEFFERSON COUNTY JAIL,

Defendant

Case No C03-5005RJB

ORDER ADOPTING REPORT
AND RECOMMENDATION,
GRANTING DEFENDANTS'
MOTION TO DISMISS, AND
DISMISSING CASE PURSUANT
TO 28 U S C § 1915(e)(2)(B)

This matter comes before the Court on consideration of the Report and Recommendation of the Magistrate Judge Dkt. 17 The court has considered the relevant documents and the file herein

On January 2, 2003, plaintiff filed a civil rights claim against the Jefferson County Jail, contending that he was held by the jail for 55 days after charges against him were dismissed on January 17, 1996 Dkt 4 Defendant appeared and filed a motion to dismiss for failure to state a claim, arguing that this action is barred by the three year statute of limitations applicable to actions under 42 U S C § 1983, that plaintiff failed to file a claim pursuant to RCW 4 96 before commencing this lawsuit, and that the Jefferson County Jail is not a proper defendant Dkt 13 On May 13, 2003, U S Magistrate Judge J Kelley Arnold issued a Report and Recommendation, recommending that defendant's motion to dismiss be granted and that this case be dismissed as barred by the statute of limitations Dkt 17 Plaintiff did not file objections to the Report and Recommendation.

The court has reviewed the Report and Recommendation and the remainder of the record, and concurs with the conclusion of Judge Arnold Defendant's motion to dismiss for failure to state a claim should be granted, and the case should be dismissed pursuant to 28 U S C § 1915(e)(2)(B) as frivolous

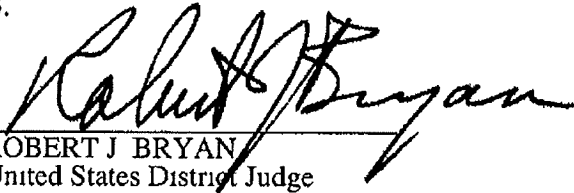
1 and for failure to state a claim

2 Therefore, it is hereby

3 **ORDERED** that the Report and Recommendation of the Magistrate Judge (Dkt. 17), is
4 **ADOPTED** Defendants' motion to dismiss for failure to state a claim (Dkt 13) is **GRANTED** The
5 case is **DISMISSED** pursuant to 28 U S C § 1915(e)(2)(B) as frivolous and for failure to state a claim

6 The Clerk of the court is directed to send uncertified copies of this Order to all counsel of record
7 and to any part appearing *pro se* at said party's last known address **The Clerk is further directed to**
8 **dismiss this case pursuant to 28 U.S.C. § 1915(e)(2)(B).**

9 DATED this 6 day of June, 2003.

10
11 
12 **ROBERT J BRYAN**
13 United States District Judge