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APR 17 2000  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA  
DEPUTY

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MAY 08 2000  
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RODNEY S. MITUNIEWICZ,  
  
Plaintiff,  
  
v.  
  
JOSEPH LEHMAN, et al.,  
  
Defendants.


Case No. C00-5041RJB

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 Monica J. Benton, 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); and
- (3) 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. Monica J. Benton, and to the Office of the Attorney General.

DATED this 8<sup>th</sup> day of May, 2000.

  
ROBERT J. BRYAN  
United States District Judge