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5 AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON DEPUTY

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY

6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MARCUS A. PERKINS,

10 Plaintiff,

11 v.

12 CITY OF KENT JAIL, et al.,

13 Defendants.

CASE NO. C99-173Z

ORDER

14 The Court, having reviewed defendants' motion for summary judgment, the Report and
15 Recommendation of Magistrate Judge Ricardo S. Martinez, and the balance of the record, does hereby
16 find and ORDER:

17 (1) The Report and Recommendation is approved and adopted;

18 (2) Defendants' motion for summary judgment is GRANTED, and the complaint and action are
19 dismissed as frivolous;

20 (3) This dismissal shall count as a "strike" pursuant to 28 U.S.C. § 1915(g); and

21 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and
22 to the Hon. Ricardo S. Martinez.

23
24 DATED this 25th day of Sept., 1999.

25
26 *Thomas S. Zilly*
THOMAS S. ZILLY
27 UNITED STATES DISTRICT JUDGE

28 ORDER - 1

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