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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN RAINEY,)	
)	
Plaintiff,)	Case No. C09-1456-RSM
)	
v.)	
)	ORDER OF DISMISSAL
MARY NAM, et al.,)	
)	
Defendants.)	
)	

The Court, having reviewed plaintiff's amended civil-rights complaint (Dkt. 7), the Report and Recommendation of United States Magistrate Judge James P. Donohue, plaintiff's objections to the Report and Recommendation, the governing law, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's proposed complaint (Dkt. 1-2) is DISMISSED without prejudice for frivolousness and for failure to state a claim upon which relief may be granted;
- (3) Plaintiff's application to proceed *in forma pauperis* (Dkt. 1) is DENIED as moot;
- (4) This dismissal constitutes a strike for the purposes of 28 U.S.C. § 1915(g); and

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(5) The Clerk of Court is directed to send copies of this Order to plaintiff and to Magistrate Judge James P. Donohue.

DATED this 1 day of February 2010.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE