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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PAUL v. ROGERS,  
Plaintiff,  
v.  
MONICA EWING, *et al.*,  
Defendants.

Case No. C04-5686FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DENYING MOTION TO  
VOLUNTARILY DISMISS

The Magistrate Judge recommends dismissal of this cause of action as frivolous. Plaintiff's first Complaint was deficient, and the Magistrate Judge notified Plaintiff of the deficiencies, that an amended pleading could be filed to correct the deficiencies, and that the amended complaint would operate as a complete substitute of his original complaint, which would not be considered. Plaintiff filed an amended complaint which was still deficient. Plaintiff set forth no facts regarding the alleged actions of the named defendants and how they personally participated in preventing him from meeting a court deadline. Also, there was no designation of present place of confinement, availability or completion of a grievance procedure, names, addresses, positions, and places of employment of the defendants, and no signature on the amended complaint.

In response, Plaintiff moves to voluntarily dismiss his complaint.

1 It is inappropriate to allow Plaintiff to voluntarily dismiss this cause of action. The Court has  
2 expended a lot of time and effort in reviewing his pleadings and drafting orders and a report and  
3 recommendation. It is too late to move for voluntary dismissal.

4 ACCORDINGLY, IT IS ORDERED:

- 5 1. The Court ADOPTS the report and Recommendation;
- 6 2. Plaintiff's Motion to Voluntarily Dismiss Complaint (Dkt. # 12) is DENIED;
- 7 3. This cause of action is DISMISSED pursuant to 28 U.S.C. § 1915(e) as  
8 FRIVOLOUS;
- 9 4. The Clerk is directed to send copies of this Order to the Plaintiff and to the Honorable  
10 Karen L. Strombom.

11 DATED this 5<sup>th</sup> day of January 2005.

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13 S/ Franklin D. Burgess  
14 FRANKLIN D. BURGESS  
15 UNITED STATES DISTRICT JUDGE  
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