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JAN 23 1997

By Deputy MG

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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

RECEIVED  
JAN 27 1997  
ATTORNEY GENERAL'S OFFICE  
CORRECTIONS DIV

RICHARD HOWARD SMITH,

Plaintiff,

vs.

PIERCE COUNTY, *et al.*,

Defendants.

NO. C94-5050FDB

ORDER

This matter comes before the court upon Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (R & R). Plaintiff alleges that the undersigned judge is partial to Pierce County and requests a transfer to another judge. The undersigned has no feelings one way or the other toward Pierce County when it appears as a party in this Court and is under no compunction to favor Pierce County in rulings. Accordingly, a request for transfer to another judge is denied. Plaintiff has reiterated his alleged mental condition, but has presented no argument to convince this Court that the conclusion reached in the R & R is incorrect.

Accordingly, it is hereby

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ORDER

LFO

1 ORDERED:

2 (1) Plaintiff's request for transfer to another judge is DENIED;

3 (2) Plaintiff's objections to the R & R are OVERRULED;

4 (3) The Report and Recommendation is approved and adopted;

5 (4) Defendants' motion for summary judgment is GRANTED, and the Complaint and  
6 action are DISMISSED as frivolous, pursuant to 28 U.S.C. § 1915(e);

7 (5) Costs are allowed to defendants, as prevailing party, in accordance with Fed. R. Civ.  
8 P. 54(d) and 28 U.S.C. § 1915(e), upon presentation of a bill of costs to the Clerk; and,

9 (6) The Clerk is to direct copies of this Order to Plaintiff, to counsel for Defendants, and  
10 to Judge Sweigert.

11 DATED this 22 day of January, 1997.

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15 FRANKLIN D. BURGESS  
16 UNITED STATES DISTRICT JUDGE  
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28 ORDER