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JUN 10 1998
By Deputy *Chy*

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JUN 10 1998
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY DEPUTY

FILED *Chy* LOGGED RECEIVED
MAY 23 1998
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY DEPUTY

Chy
RJB
JCA
AG

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERNEST WILLIAMS,
Plaintiff,
v.
STATE OF WASHINGTON, et al.,
Defendants.

Case No. C98-5021RJB

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 J. Kelley Arnold, 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 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);
- (3) Plaintiff is not precluded from filing a habeas corpus petition related to the current criminal case after he exhausts his state court remedies; and
- (4) 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. J. Kelley Arnold, and to the Office of the Attorney General.

DATED this 10 day of June, 1998.

Robert J. Bryan
ROBERT J. BRYAN
United States District Judge