

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

FILED
BILLINGS, MT.
2010 SEP 29 PM 2 20
PATRICK E. BLAIR, CLERK
BY _____
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BILLINGS DIVISION

BRANDON T. KRIVEC,)	CV-09-75-BLG-RFC-CSO
)	
Plaintiff,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
NURSE ROSCOE, et al.,)	U.S. MAGISTRATE JUDGE
)	
Defendants.)	
_____)	

On September 2, 2010, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation (*Doc. 29*) as to Defendants’ Motion for Summary Judgment (*Doc. 21*). Magistrate Judge Ostby recommends the motion be granted because Krivec failed to produce sufficient evidence to overcome the undisputed evidence and medical testimony presented by Defendants.

Upon service of a magistrate judge’s findings and recommendation, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the Findings and Recommendation. Although failure file objections waives all objections to the findings of fact, *Turner v. Duncan*, 158

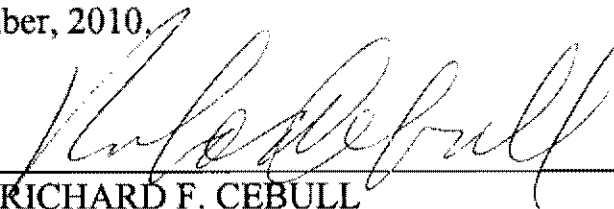
F.3d 449, 455 (9th Cir. 1999), this Court must still review *de novo* the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After reviewing the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion for Summary Judgment (*Doc. 21*) is **GRANTED**.

The Clerk of Court is directed to enter Judgment in this matter in favor of Defendants and close this matter accordingly.

DATED the 29th day of September, 2010.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE