IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ROBERT GOTSCHALL,

Plaintiff,

vs.

TONY HARBAUGH—SHERIFF, PAT ROOS--UNDERSHERIFF, ROLAND MCGRATH—SERGEANT, and KIM JERKE—RN,

Defendants.

CV 18-163-BLG-SPW

ORDER ADOPTING MAGISTRATE'S FINDINGS AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on Sept. 17, 2020, on Plaintiff and Defendants' cross-motions for summary judgment. (Doc. 35). The Magistrate recommended that Plaintiff's motion be denied, Defendants' motion be granted, and the matter dismissed. (Doc. 35 at 1).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. Plaintiff filed an objection. (Doc. 36). Defendants timely responded. (Doc. 37). According to Federal Rule of Civil Procedure 72(b)(2), objections to a magistrate's findings must be specific. Plaintiff's objection merely recites his complaint in his objections. (Doc. 36 at 2). The Court has carefully

reviewed Plaintiff's objection but cannot identify an actual legal argument against Judge Cavan's findings and recommendation. The objection fails to specifically or adequately state any grounds why the Defendants' motion should not be granted or why Plaintiff is entitled to summary judgment. Although pro se litigants are afforded a degree of liberal construction in their filings, the Court cannot raise arguments for Gotschall.

When neither party properly objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 35) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment is DENIED, Defendant's motion for summary judgment is GRANTED and that this matter is DISMISSED.

DATED this 2nd day of November 2020.

Susan P. Watters

SUSAN P. WATTERS
United States District Judge