

**FILED**

**JAN 29 2010**

**PATRICK E. DUFFY, CLERK**  
By \_\_\_\_\_  
**DEPUTY CLERK, BUTTE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

PATRICK KEITH HIRT,

Plaintiff,

vs.

SAM LAW, et. al., individually and in  
their official capacities,

Defendants.

CV 09-106-GF-SEH

**ORDER**

On November 20, 2009, United States Magistrate Judge Keith Strong entered Findings and Recommendations<sup>1</sup> in this matter. Plaintiff filed objections on January 13, 2010, and January 19, 2010<sup>2</sup>. The Court reviews *de novo* findings and recommendation to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendations and adopt them in full.

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<sup>1</sup> Docket No. 4.

<sup>2</sup>Document Nos. 8 and 9.

ORDERED:

1. Plaintiff's Complaint<sup>3</sup> is DISMISSED for failure to state a claim upon which relief may be granted.
2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Fed. R. Civ. P. 58.
3. The Clerk of Court is directed to have the docket reflect that the dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Plaintiff failed to state a claim upon which relief may be granted.
4. Any appeal of this decision would not be taken in good faith as the Complaint is clearly frivolous. Fed. R. App. 24(a)(3)(A).

DATED this 29<sup>th</sup> day of January, 2010.

  
SAM E. HADDON  
United States District Judge

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<sup>3</sup>Document No. 2.