

FILED
APR 13 2010
BY PATRICK E. DUFFY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

WILLIAM HENRY,)	CV 08-81-H-DWM-RKS
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
DENISE DEYOTT, et al.,)	
)	
Defendants.)	
_____)	

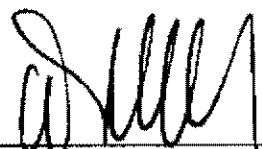
Plaintiff Henry filed his third Motion for Temporary Restraining Order on March 16, 2010. The instant motion, as well as the previous motions for temporary restraining order, asks the Court to issue a restraining order and to order a state investigation “into the malicious retaliation that the Plaintiff now suffers.” In this motion, Plaintiff makes no connection between the allegations in the complaint and the retaliation allegations in his motion. Plaintiff seeks to relitigate the disciplinary hearing he described in his motion.

United States Magistrate Judge Keith Strong entered Findings and

Recommendation in this case on March 17, 2010. Plaintiff Henry did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews the 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). I can find no clear error with Judge Strong’s recommendation and therefore adopt it in full.

IT IS HEREBY ORDERED that Plaintiff’s Motion for Temporary Restraining Order (dkt #29) is DENIED.

Dated this 13th day of April, 2010.



Donald W. Molloy, District Judge
United States District Court

