

**FILED**

SEP 30 2015

Clerk, U.S. District Court  
District Of Montana  
MissoulaIN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

RICHARD GENE WASHINGTON,

Plaintiff,

vs.

LANCE GRIFFIN, HEIDI ABBOTT,  
LAURA JANES, CONNIE WINNER,  
CATHY REDFERN, TRISTAN  
KOHUT, and SCOTT PIRANIAN,

Defendants.

CV 15-28-H-DLC-JTJ

ORDER

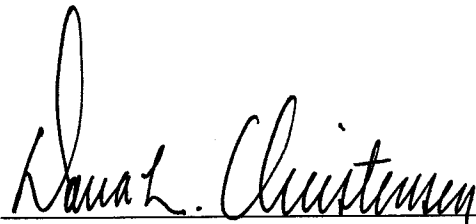
United States Magistrate Judge John T. Johnston entered his order, findings, and recommendation in this case on June 22, 2015, granting Plaintiff Richard Gene Washington's motion for an extension of time to file an Amended Complaint, but recommending denial, without prejudice, of his motions for preliminary injunction. Washington did not timely object to the findings and recommendations, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record 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). For the reasons explained below, the Court adopts Judge Johnston's findings and recommendations in full.

Judge Johnston found that, as of the date of the findings and recommendations, Washington had not yet served his Complaint upon the named defendants, nor had they appeared. Judge Johnston therefore concluded that the Court did not have personal jurisdiction over the defendants, and that injunctive relief was premature. This Court finds no error in his findings and recommendations on this issue.

Accordingly, IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 11) are ADOPTED IN FULL. Washington's motions for preliminary injunction (Docs. 8 and 10) are DENIED WITHOUT PREJUDICE.

DATED this 30<sup>th</sup> day of September, 2015.



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Dana L. Christensen, Chief Judge  
United States District Court