

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

GARY L. QUIGG,

Plaintiff,

vs.

PAUL REES, M.D.,

Defendant.

CV 18-86-H-BMM-JTJ

ORDER

Gary Quigg is a state prisoner proceeding without counsel. Quigg filed a Complaint alleging Dr. Rees denied him adequate medical care in violation of the Eight Amendment. (Doc. 2.) Quigg also filed a Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 3.)

Magistrate Judge John Johnston entered his Findings and Recommendations in this matter on December 26, 2018. (Doc. 12.) Judge Johnston determined that Quigg is no longer incarcerated at Montana State Prison where Dr. Rees is in charge of medical care. *Id.* at 1. Further, Quigg has been granted parole to his federal detainer effective in January 2019. *Id.* Accordingly, Judge Johnston determined Quigg's motion to be moot. *Id.* at 2. Neither party filed objections.

Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en

banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). 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) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations.

IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 12) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Plaintiff Gary Quigg’s Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 3) are **DENIED**.

DATED this 6th day of February, 2019.



Brian Morris
United States District Court Judge