

FILED

SEP 07 2010

PATRICK E. DUFFY, CLERK

By _____
DEPUTY CLERK, MISSOULA

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

MICHAEL SPREADBURY,)	CV 10-81-M-DWM-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
U.S. DEPARTMENT OF HEALTH)	
AND HUMAN SERVICES,)	
NATIONAL INSTITUTES OF)	
HEALTH, FRANCIS COLLINS, and)	
MARSHAL BLOOM,)	
)	
Defendants.)	
_____)	

Plaintiff Michael Spreadbury filed a Complaint on July 30, 2010 alleging Defendants violated provisions of the National Environmental Policy act of 1969 (“NEPA”), 42 U.S.C. § 4321 et seq., in relation to certain demolition and construction projects at the Rocky Mountain Laboratories in Hamilton, Montana.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation (dkt. 4) in this case on August 12, 2010. Plaintiff did not timely

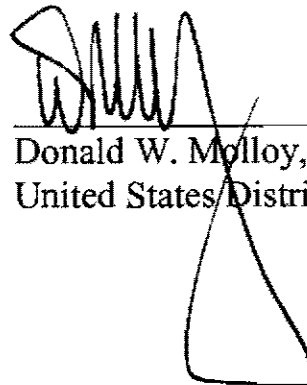
object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch found that Plaintiff’s allegations fail to establish that he has standing to prosecute the claims he asserts under NEPA and the APA. I can find no clear error with Judge Lynch’s Findings and Recommendation.

IT IS HEREBY ORDERED that Judge Lynch’s Findings and Recommendation (dkt #4) are adopted in full.

IT IS FURTHER ORDERED that the Complaint (dkt #2) is DISMISSED WITHOUT PREJUDICE.

Dated this 7th day of September, 2010.



Donald W. Molloy, District Judge
United States District Court