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

SANTOS ANGEL CHAVEZ,	**CV-08-28-BLG-RFC**
Plaintiff,	
vs.	**ORDER ADOPTING FINDINGS AND RECOMMENDATIONS OF U.S. MAGISTRATE JUDGE**
KELLY COMPTON, GEORGE ZORZAKIS, CHUCK MAXWELL, DENNIS MCCAVE, KATE KYDLAND, TARA COOPER, and DR. GEORGE SHEKELTON, in their professional and individual capacities,	
Defendants.	

On December 5, 2008, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court deny Plaintiff's Motion for Judgment.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the December 5, 2008 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all

objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

"[J]udgment on the pleadings is properly granted when, taking all the allegations in the pleadings as true, the moving party is entitled to judgment as a matter of law. *Milne ex rel. Coyne v. Stephen Slesinger, Inc.*, 403 F.3d 1036, 1042 (9th Cir. 2005). This Court did not read the County Defendants' Answer to be an admission of Plaintiff's claims. The Answer fairly denies Plaintiff's allegations against the County Defendants.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Motion (*Doc. 25*) is **DENIED.**

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 14th day of January, 2009.

RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE