

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

FILED  
BILLINGS DIV.  
2010 FEB 4 PM 4 30  
PATRICK E. DUFFY, CLERK  
BY \_\_\_\_\_  
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RYAN PRICE, )  
 ) CV-09-159-BLG-RFC  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 ) ORDER ADOPTING FINDINGS  
 ) AND RECOMMENDATIONS OF  
 LING LING CHENG and ) U.S. MAGISTRATE JUDGE  
 SARAH BAXTER, )  
 )  
 ) Defendants. )  
 \_\_\_\_\_ )

On December 23, 2009, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation (*Doc. 4*) with respect to the 28 U.S.C. § 1915 & 1915A prescreening of Price’s pro se prisoner Complaint (*Doc. 2*). Magistrate Judge Ostby recommends that Price’s Complaint be dismissed for failure to file within the applicable statute of limitations.

Upon service of a magistrate judge’s findings and recommendation, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). Price filed objections on January 4, 2010. *Doc. 6*. These objections require this Court to make a *de novo* determination of those portions of the Findings and

Recommendations to which objection is made. 28 U.S.C. § 636(b)(1).

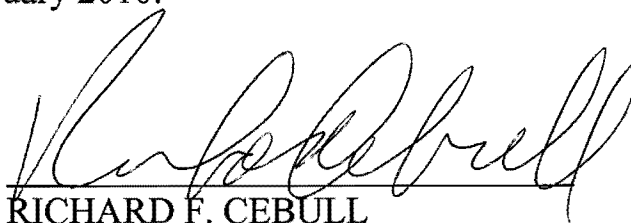
After such a de novo review, the Court concludes that Price's objections must be overruled. Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and are adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Price's Complaint (*Doc. 1*) is DISMISSED for failure to file within the statute of limitations.

IT IS FURTHER ORDERED that the docket reflect (1) pursuant to 28 U.S.C. § 1915(g), that this dismissal count as one strike and (2) pursuant to Rule 24(a)(3)(A) Fed.R.App.P. that any appeal of this decision would not be taken in good faith.

The Clerk of Court shall notify the parties of the entry of this Order and close this case accordingly.

DATED this 4<sup>th</sup> day of February 2010.

  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE