

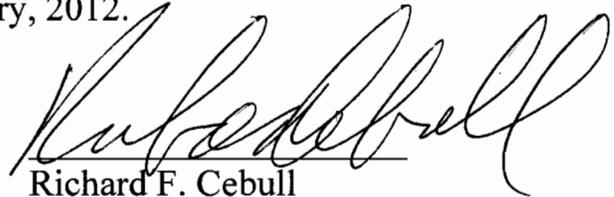
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

THOMAS MCGOVERN,)	
)	Cause No. CV-10-157-BLG-RFC-CSO
Plaintiff,)	
)	
v.)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
WARDEN TOM GREEN,)	U.S. MAGISTRATE JUDGE
)	
Defendant.)	
<hr/>)	

Defendant Warden Tom Green has moved to dismiss this action (*doc. 18*) on the grounds that Plaintiff Thomas McGovern has failed to exhaust his administrative remedies within the prison system before filing this lawsuit as required by the Prison Litigation Reform Act. *Doc. 18*. McGovern does not object to Warden Green’s motion. *Doc. 24*. Since this case was referred to United States Magistrate Judge Ostby for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(A), she entered Findings and Recommendations on the Warden’s motion, recommending that it be granted. *Doc. 25*. Consistent with his admission that Warden Green’s motion was well-taken, McGovern did not object to Judge Ostby’s recommendation that the motion to dismiss be granted.

After a de novo review of the Findings and Recommendations, **IT IS**
HEREBY ORDERED that they be adopted in their entirety: Defendant's Motion
to Dismiss for Failure to Exhaust Administrative Remedies (*doc. 18*) is
GRANTED. This matter is dismissed without prejudice.

DATED this 5th day of January, 2012.

A handwritten signature in black ink, appearing to read "Richard F. Cebull", written over a horizontal line.

Richard F. Cebull
United States District Judge