

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

**FILED**

OCT - 5 2016

Clerk, U.S. District Court  
District Of Montana  
Billings

ANDREW P. CATES,

Plaintiff,

vs.

CCA OF TENNESSEE, LLC,

Defendant.

CV 15-12-BLG-SPW

ORDER

Before the Court are United States Magistrate Judge Carolyn Ostby's Findings and Recommendations filed on July 19, 2016. (Doc. 26). Judge Ostby recommends that this Court grant Defendant CCA of Tennessee's Motion for Summary Judgment (Doc. 20) on all claims.

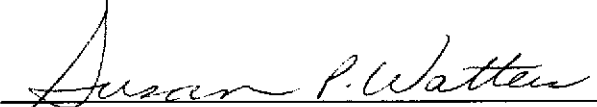
Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Ostby's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Ostby's Findings and Recommendations for clear error. *McDonnell 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). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations for disposition of this matter entered by United States Magistrate Judge Ostby (Doc. 26) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant CCA of Tennessee's Motion for Summary Judgment (Doc. 20) is GRANTED. The Clerk of Court shall enter judgment in favor of CCA of Tennessee and close this case.

DATED this 5<sup>th</sup> day of October, 2016.

  
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SUSAN P. WATTERS  
United States District Judge