

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

FILED

JUN 23 2016

Clerk, U S District Court
District Of Montana
Billings

RONALD O. LATRAY,

Plaintiff,

vs.

DANIEL SCHULER, TOMAN
BAUKEMA, OFFICER NEGEL, and
SHERIFF MIKE LINDER,

Defendants.

CV 15-136-BLG-SPW-CSO

ORDER

Plaintiff Ronald Latray, acting *pro se*, filed an Amended Complaint raising claims related to his arrest by Montana Highway Patrol officers and his subsequent treatment at the Yellowstone County Detention Facility. On June 3, 2016, United States Magistrate Judge Carolyn Ostby issued Findings and Recommendations after undertaking the review mandated by 28 U.S.C. §§ 1915, 1915A. Judge Ostby concluded that the claims against Defendants Daniel Schuler and Toman Baukema are barred by the *Heck* doctrine. *See Heck v. Humphrey*, 512 U.S. 477 (1994). Judge Ostby also concluded that Latray has not sufficiently shown an actual injury caused by the alleged denial of access to the courts. Accordingly, Judge Ostby recommends that this Court dismiss the claims against Schuler and Baukema and Latray's denial of access to courts claims. Judge Ostby determined that Latray

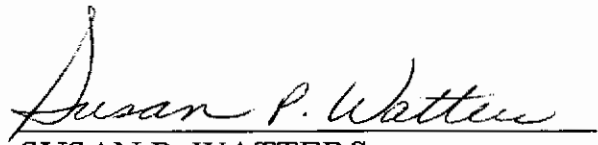
sufficiently pled claims against Defendants Officer Negel and Sheriff Mike Linder, and they will be required to respond to Latray's allegations.

Pursuant to 28 U.S.C. § 636(b)(1), Latray was 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 conclusions for clear error. 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.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby's Findings and Recommendations (Doc. 8) are ADOPTED IN FULL.
2. Latray's claims against Defendants Daniel Schuler and Toman Baukema are DISMISSED.
3. Latray's claims regarding denial of access to the courts are DISMISSED.

DATED this 23rd day of June, 2016.


SUSAN P. WATTERS
United States District Judge