

**FILED**

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

**MAY 31 2017**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

KELLY KAY CALKINS,

Plaintiff,

vs.

GRANT MORRISON, KEVIN  
IFFLAND, RICH ST. JOHN, and  
BILLINGS POLICE DEPARTMENT,

Defendants.

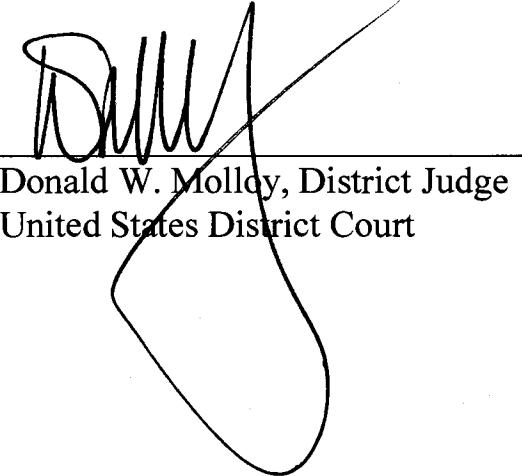
CV 16-169-BLG-DWM-JCL

**ORDER**

United States Magistrate Judge Lynch entered a Findings and Recommendation on May 1, 2017, recommending the Court dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 11.) Because Plaintiff Kelly Kay Calkins did not file objections, Judge Lynch's conclusions are reviewed 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." *Concrete Pipe & Prods. of Cal., Inc. v. Constr. Laborers Pension Trust for S. Cal.*, 508 U.S. 602, 623 (1993) (internal quotation marks omitted).

Calkins has failed to show good cause for the failure to serve Defendants in this action. Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 11) is ADOPTED-IN-FULL. This action is DISMISSED WITHOUT PREJUDICE. *See* Fed. R. Civ. P. 4(m).

DATED this 31<sup>st</sup> day of May, 2017.

  
Donald W. Molloy, District Judge  
United States District Court