

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

FILED

MAR 21 2018

Clerk, U S District Court
District Of Montana
Billings

ALBERT HARE,

Plaintiff,

vs.

BILLINGS POLICE DEPARTMENT,
OFFICER SOLORIO, and CHARLEE
MARSH,

Defendants.

CV 18-12-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

Plaintiff Albert Hare, appearing pro se, filed a motion to proceed in forma pauperis (Doc. 1) and a proposed complaint (Doc. 2) alleging Defendants violated his rights under the Equal Access to Justice Act, 28 U.S.C. § 2412 and his rights under the Fourteenth Amendment to the United States Constitution.

United States Magistrate Judge Jeremiah C. Lynch filed Findings and Recommendations on February 15, 2018. (Doc. 6). Judge Lynch granted Hare's motion to proceed in forma pauperis but recommended this Court dismiss the complaint because it failed to state a claim. (Doc. 6 at 8).

Pursuant to 28 U.S.C. § 636(b)(1), Hare was required to file written objections within 14 days of the filing of Judge Lynch's Findings and Recommendation. No objections were filed. When neither party objects, this

Court reviews Judge Lynch's Findings and Recommendation 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 Recommendation, this Court does not find that Judge Lynch committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Lynch (Doc. 6) are ADOPTED IN FULL.


IT IS FURTHER ORDERED that this matter is DISMISSED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this matter and enter judgment in favor of the Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of Court is directed to reflect in the docket that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

IT IS FURTHER ORDERED that the Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Hare failed to state a claim upon which relief may be granted.

DATED this 21st day of March, 2018.



SUSAN P. WATTERS
United States District Judge