

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

VERNON CHARLES TSOSIE,

Plaintiff,

vs.

CITY OF BILLINGS,  
CORRECTIONAL HEALTH  
PARTNERS, MATTHEW FRANK  
#0401, ANDREW O'TOOLE, ADAM  
TIPTON, and CHELSEA  
THOMPSON,

Defendants.

CV 19-00064-BLG-BMM-TJC

ORDER

United States Magistrate Judge Timothy Cavan entered his Findings and Recommendations in this case on August 5, 2021. (Doc. 64). Judge Cavan recommended that the Motions for Summary Judgment filed by Defendants City of Billings and Correctional Health Partners be GRANTED; that the Clerk of Court should be directed to close this matter and have the docket reflect 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; and that Tsosie must immediately advise the Court and opposing counsel of any change of address and its effective date, at all times during the pendency of this action.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews 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) (citations omitted). The Court finds no error in Judge Cavan’s Findings and Recommendations and adopts them in full.

### **ORDER**

Accordingly, **IT IS ORDERED:**

1. The Court **GRANTS** Defendants’ motions for summary judgment. (Docs. 43 and 51.)
2. The Clerk of Court shall be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

3. The Clerk of Court is directed to have the docket reflect 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.

DATED this 7th day of September, 2021.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris, Chief District Judge  
United States District Court