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PATRICK E. DUFFY, CLERK

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

CHARLES BERNARD PARKE,

Plaintiff,

vs.

CITY OF BUTTE, et al.,

Defendants.

No. CV-10-42-BU-SEH

**ORDER**

On August 1, 2011, United States Magistrate Judge Keith Strong entered his Findings and Recommendation<sup>1</sup> in this matter. Plaintiff filed a Notice of Appeal<sup>2</sup> on August 15, 2011, and this case was stayed pending final resolution of all issues raised in the appeal. The Ninth Circuit dismissed the appeal for lack of

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<sup>1</sup> Document No. 50

<sup>2</sup> Document No. 53

jurisdiction on September 14, 2011<sup>3</sup> and issued a Mandate on October 4, 2011.<sup>4</sup>

On September 27, 2011, Plaintiff moved for extension of time to file objections to Judge Strong's Findings and Recommendations,<sup>5</sup> which was granted on September 27, 2011.<sup>6</sup> Plaintiff filed objections<sup>7</sup> to Judge Strong's Findings and Recommendation on October 3, 2011.

The Court has fully considered Plaintiff's motion and has reviewed *de novo* Judge Strong's Findings and Recommendation. 28 U.S.C. § 636(b)(1). Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendation and adopt them in full.

ORDERED:

1. Defendant's Motions for Summary Judgment<sup>8</sup> are GRANTED.
2. Plaintiff's Motion for Discovery<sup>9</sup> and Defendant's Motion to Strike<sup>10</sup>

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<sup>3</sup> Document No. 54

<sup>4</sup> Document No. 58

<sup>5</sup> Document No. 55

<sup>6</sup> Document No. 56

<sup>7</sup> Document No. 57

<sup>8</sup> Document Nos. 22 and 35

<sup>9</sup> Document No. 41


<sup>10</sup> Document No. 46

are DENIED as moot.

3. The Clerk of Court shall enter judgment accordingly.

4. An appeal of this decision would not be taken in good faith as Plaintiff failed to produce sufficient evidence to support his claims and as such no reasonable person could suppose that an appeal would have merit. Fed. R. App. P. 24(a)(3)(A).

DATED this 5<sup>th</sup> day of October, 2011

  
SAM E. HADDON  
United States District Judge