

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROBERT PETERICH,

Plaintiff,

vs.

DR. MCGREE/ST. JAMES
HOSPITAL, SGT. LACI WILLIAMS,
CAPTAIN MARK JOHNSON, and
BUTTE SILVERBOW COUNTY
JAIL,

Defendants.

CV-15-65-BU-BMM-JCL

**ORDER ADOPTING UNITED STATES
MAGISTRATE JUDGE'S FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge Jeremiah Lynch entered Findings and Recommendations in this matter on November 13, 2015. (Doc. 7.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston's Findings and

Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Plaintiff Robert Peterich has filed a Motion to Proceed in Forma Pauperis (Doc. 3) and a proposed Complaint filed pursuant to 42 U.S.C. § 1983 alleging that Defendants denied him medical treatment for his stomach and intestinal issues. (Doc. 1.) Judge Lynch granted Peterich's request to proceed in forma pauperis, and ordered him to pay the statutory \$350.00 filing fee. 28 U.S.C. § 1915(b)(1). Because Peterich lacks sufficient funds to pay an initial partial filing fee, Judge Lynch ordered Peterich to make monthly payments of 20 percent of the preceding month's income credited to his institutional account. (Doc. 7 at 1.) By separate order, the agency having custody of Peterich will be directed to forward payments from Peterich's account to the Clerk of Court each time the amount in the account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

Judge Lynch conducted an initial screening pursuant to 28 U.S.C. §§ 1915, 1915A and determined that dismissal is not appropriate at this time. The Magistrate ordered Defendants McGree, Williams, Johns, and the Butte Silverbow County Jail to respond to the complaint. The Court agrees with Judge Lynch's recommendation that St. James Hospital should be dismissed.

There exists no clear error in any of the Magistrate's Findings and Recommendations, therefore,

IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendations (Doc. 7) is **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant St. James Hospital should be **DISMISSED.**

DATED this 16th day of December, 2015.



Brian Morris
United States District Court Judge