

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

JAMEISON BEAM,

Plaintiff,

vs.

OFFICER NELSON, SGT. WALISER,
OFFICER POWELL, and OFFICER
ANDERSON,

Defendants.

CV 17-22-BU-BMM

ORDER

Plaintiff Jameison Beam (Beam) is a state prisoner proceeding *pro se*. Beam filed a Complaint on April 17, 2017. (Doc. 2). The named Defendants are four law enforcement officers employed at the Gallatin County Detention Center in Bozeman, Montana. (Doc. 2 at 4-5). Beam alleges that the Defendants violated his rights under the First and Eighth Amendments to the United States Constitution in contravention of 42 U.S.C. § 1983. (Doc. 2 at 6). Beam alleges that he was the victim of assault, sexual assault, hate crimes and retaliation. *Id.*

United States Magistrate Judge Jeremiah Lynch conducted an initial screening of Beam's Complaint under 28 U.S.C. § 1915 on September 19, 2017. (Doc. 8). Judge Lynch determined that the Complaint failed to state a claim upon which relief may be granted. (Doc. 8 at 8). Judge Lynch explained why the

Complaint failed to state a cognizable claim for relief under federal law. (Doc. 8 at 2-8). Judge Lynch gave Beam an opportunity to cure the defects in his Complaint. Judge Lynch directed Beam to file an amended complaint on or before October 27, 2017. (Doc. 8 at 12). Judge Lynch informed Beam that this action may be dismissed if he failed to comply with the Court's Order. *Id.* Beam filed a response to the Court's Order on November 1, 2017. (Doc. 11). Beam refused to file an amended complaint. *Id.*

Judge Lynch issued Findings and Recommendations in this matter on November 9, 2017. (Doc. 12). Judge Lynch recommended that Beam's Complaint be dismissed for failure to state a federal claim. (Doc. 12 at 2). Beam did not file objections to Judge Lynch's Findings and Recommendations.

The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Beam's Complaint (Doc. 2) is DISMISSED with prejudice.
2. The filing of this action counts as one strike for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

3. Any appeal of this decision would not be taken in good faith as Beam's claims are frivolous.

4. The Clerk is directed to enter judgment accordingly.

DATED this 7th day of December, 2017.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge