

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

ROWN PAUL BROWN, SR.,

Plaintiff,

vs.

KARL P. SEEL,

Defendant.

CV-17-00024-BU-BMM-JCL

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Plaintiff Rown Brown, a prisoner at the Gallatin County Detention Facility, filed a Complaint *pro se* alleging violations of 42 U.S.C. § 1983. (Doc. 1.) Brown alleges that Defendant Judge Seel deprived him of various constitutional rights when he made the decision to imprison Brown. (Doc. 1.) United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this matter on May 2, 2017. (Doc. 4.) 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, 149-52 (1986). This Court will review Judge Lynch's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Lynch acknowledged that the Court must screen Brown's complaint and dismiss it or portions thereof if the complaint is "frivolous," "fails to state a claim upon which relief may be granted," or "seeks monetary relief from a defendant who is immune." (Doc. 4 at 3.) Judge Lynch determined that judicial immunity bars Brown's allegations against Judge Seel. *Id.* at 4. Judge Lynch correctly notes that "[j]udges are absolutely immune from liability for damages based on acts performed in their official capacities." *Id.*, citing *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) (en banc).

Judge Lynch determined that Brown's Complaint alleged violations of his rights solely as a result of Judge Seel's actions in his official capacity as a judge. (Doc. 4 at 5.) Judge Lynch concluded, therefore, that Judge Seel proves clearly immune from Brown's Complaint. *Id.*

The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 4) is ADOPTED IN FULL.

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

IT IS ALSO ORDERED that 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. No reasonable person could suppose an appeal would have merit. The record makes plain that the instant Complaint lacks arguable substance in law or fact.

DATED this 31st day of May, 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