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

JAMES JEROME MORRISON, JR.,	**CV-17-35-BU-BMM-JCL**
Plaintiff,	
vs.	
	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS
CARISSA LYNN-KOPP, SUSAN F. CARROLL, KURT KRUEGER, SAMM COX, CHRISTOPHER E. QUIGLEY, CIANA DALE, KARA RICHARDSON, BRAD NEWMAN, MARK VUCUROVICH, MICHAEL ANDERSON, and WALTER M. HENNESSEY,	
Defendants.	

Plaintiff James Jerome Morrison, Jr. filed a Complaint presenting allegations regarding Defendants' actions that occurred during: (1) criminal proceedings against Morrison; and (2) hearings conducted by the Montana Department of Family Services relative to his parental rights of his daughter. (Doc. 2 at 8.) Morrison alleges that Defendants used false, fabricated, coerced, and erroneous information against him in each referenced proceeding. *Id.*

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United States Magistrate Judge Jeremiah C. Lynch entered Findings and

Recommendations in this matter on March 21, 2018. (Doc. 14.) 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).

The Court stayed Morrison's allegations and claims regarding his parental

rights proceedings on December 7, 2017, until the state court proceedings were

completed. (Doc. 11 at 4-5.) Morrison's allegations sought monetary damages. *Id.*

Morrison filed a Notice regarding completion of his state court proceedings on

March 5, 2018. (Doc. 13.) The Montana Supreme Court dismissed Morrison's

appeal regarding his parental rights and custody of his daughter on December 28,

2017. *Id.* at 6. Likewise, the Montana Supreme Court dismissed the appeal

regarding his criminal proceedings on February 14, 2018. *Id.* at 4.

Judge Lynch determined that any of Morrison's claims regarding the

termination of his parental rights are barred by res judicata and should be

dismissed. (Doc. 14 at 3.) The doctrine of res judicata provides that a "final

judgment on the merit bars further claims by parties or their privies based on the

same cause of action." *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1077 (9th Cir. 2003).

Judge Lynch correctly determined that the elements of res judicata are satisfied in this matter. (Doc. 14 at 4.) Morrison attempts to re-litigate claims that he asserted, or could have asserted, in his state parental rights case. *Id.* This case and Morrison's state parental rights case share the same subject matter. *Id.* The issues presented in both cases remain the same. *Id.* The capacities of the parties in both cases remain the same. *Id.* Finally, the Montana Supreme Court entered a final judgment on the merits in Morrison's state parental rights case. *Id.* Morrison's claims regarding his parental rights are barred by res judicata. This matter shall be dismissed.

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. 14), are **ADOPTED IN FULL**.

IT IS ORDERED that this matter shall be **DISMISSED.** The Clerk of Court shall close this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of Court shall 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 will not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the instant Complaint lacks arguable substance in law or fact.

DATED this 19th day of April, 2018.

Brian Morris

Brian Morris
United States District Court Judge