

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

JEAN PAUL LAUREN,

Plaintiffs,

v.

MONTANA STATE UNIVERSITY,
JOHN PAXTON, and BRENDA
YORK,

Defendant.

CV-17-62-BU-BMM-JCL

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

Plaintiff Jean Paul Lauren, appearing pro se, commenced this action in which he alleged that Defendants had failed to make reasonable accommodations for his disabilities while he was attending Montana State University (“MSU”). (Doc. 2). Lauren further alleged that Defendants had terminated his schooling. (*Id.*). Lauren’s pleading did not expressly identify any particular legal claim against Defendants. In view of his pro se status and his asserted disabilities, United States Magistrate Judge Jerimiah C. Lynch liberally construed Lauren’s pleading to advance a claim under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12132. So construed, the Court ordered the Defendants to respond to Lauren’s pleading.

Defendants John Paxton and Brenda York moved the Court to dismiss the claims under the ADA. (Doc. 21). Defendants Paxton and York argued that the

ADA imposes no individual liability, but instead, governs the actions of a public entity. (Doc. 26 at 2); *Heinke v. County of Tehama Sheriff's Dept.*, 2013 WL 3992407, *7-8 (E.D. Cal. 2013); *see also Vinson v. Thomas*, 288 F.3d 1145, 1156 (9th Cir. 2002).

Judge Lynch deemed Paxton and York's motion to dismiss well-taken and issued an Order and Findings and Recommendation in this matter on January 29, 2018. (Doc. 26). Judge Lynch recommends that the Title II claims be dismissed to the extent that Lauren pleads them against Paxton and York. No party filed objections to Judge Lynch's Findings and Recommendation.

The Court has reviewed the Findings and Recommendation 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 Recommendation and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED** that Magistrate Judge Lynch's Findings and Recommendation (Doc. 26) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Paxton and York's Motion to Dismiss (Doc. 21) is **GRANTED**, and Lauren's claims under Title II of the ADA are **DISMISSED** only to the extent they are advanced against Paxton and York.

DATED this 22nd day of October, 2018.



Brian Morris
United States District Court Judge