

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

BOBBY FRANCIS LOWRY; LOWRY  
FAMILY HOLDINGS, LLC,

Plaintiffs,

v.

BORDER STATE ELECTRIC;  
TYLER HALL,

Defendants.

CV-18-51-BU-BMM-JCL

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

Plaintiff Lowry, a state prisoner proceeding in forma pauperis, filed this action on August 13, 2018.

United States Magistrate Judge Lynch explained to Lowry several defects in Lowry's complaint. (Doc 8). Judge Lynch offered that the defects may be cured by amendment. *Id.* The Court determined, among other things, that absent the necessary amendments the complaint did not adequately allege that the defendants held a contractual obligation to provide testimony, failed to allege that either defendant was served a subpoena, and failed to establish Lowry's authority to appear on behalf of Lowry Family Holdings, LLC. *Id.*

Judge Lynch entered Findings and Recommendations on January 4, 2019, determining that Lowry failed amend his complaint. *Id.*

No party filed objections to Judge Lynch's Findings and Recommendations. 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 Recommendations and adopts them in full.

**ORDER**

Accordingly, **IT IS ORDERED** that Magistrate Judge Lynch's Findings and Recommendations (Doc. 8) are **ADOPTED IN FULL**.

**IT IS ORDERED** that Lowry's Complaint (Doc. 1) be **DISMISSED** for failure to state a claim.

**IT IS ORDERED** that the docket reflect that Lowry's filing of this action counts as one strike pursuant to 28 U.S.C. § 1915(g).

The Court **CERTIFIES**, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from this disposition is not to be taken in good faith.

DATED this 11th day of February, 2019.



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Brian Morris  
United States District Court Judge