

FILED
 2010 NOV 30 PM 12 57
 DISTRICT CLERK
 DEPT. OF JUSTICE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

GREAT FALLS DIVISION

ROGER MARTIN FRANDBSEN,

Plaintiff,

vs.

DEPUTY MATTHEW
 DARLINGTON, et al.,

Defendants.

No. CV-08-26-GF-SEH

ORDER

On November 3, 2010, United States Magistrate Judge Keith Strong entered his Findings and Recommendation¹ in this matter. Plaintiff filed objections² to Judge Strong's Findings and Recommendation on November 19, 2010.

The Court has fully considered Plaintiff's motion and has reviewed *de novo* Judge Strong's Findings and Recommendation. See 28 U.S.C. § 636(b)(1). Upon *de novo* review of the record, I find no error in Judge Strong's Findings and

¹ Document No. 85

² Document No. 86

Recommendation and adopt them in full.

ORDERED:

1. Defendant Cascade County's Motion for Summary Judgment³ is GRANTED because there are no genuine issues of material fact and the County is entitled to judgment as a matter of law on Frandsen's excessive use of force claim.


2. Defendant City of Great Falls' Motion for Summary Judgment⁴ is GRANTED because there are no genuine issues of material fact and the City is entitled to judgment as a matter of law on Frandsen's excessive use of force claim.

3. The Clerk is directed to enter judgment accordingly.

4. Any appeal from this disposition will not be taken in good faith, as there are no genuine issues of material fact and the County and City are entitled to judgment as a matter of law on Frandsen's excessive use or force claim. See Fed.

R. App. P. 24(a)(3).

DATED this 30th day of November, 2010.


SAM E. HADDON
United States District Judge

³ Document No. 51

⁴ Document No. 55