

FILED
GREAT FALLS

IN THE UNITED STATES DISTRICT COURT

2009 MAR 11 PM 4 18

FOR THE DISTRICT OF MONTANA

STEPHEN E. DUFFY, CLERK

BY _____

GREAT FALLS DIVISION

DEPUTY CLERK

JOSE D. SANTOS II,

Plaintiff,

vs.

MONTANA STATE HOSPITAL,
HILL COUNTY, HAVRE,
MONTANA, and the STATE OF
MONTANA,

Defendants.

No. CV-09-04-GF-SEH

ORDER

United States Magistrate Keith Strong entered his Findings and Recommendation¹ on February 19, 2009. Plaintiff filed objections on February 22, 2008. The Court reviews *de novo* findings and recommendation to which objection is made. 28 U.S.C. § 636(b)(1).


Upon *de novo* review of the record, I find no clear error in Judge Strong's Findings and Recommendation and adopt them in full.

¹ Docket No. 5.

ORDERED:

1. Plaintiff's Complaint² is DISMISSED WITH PREJUDICE.
2. Any appeal from this disposition will not be taken in good faith because the Complaint is frivolous, lacks arguable substance in law or fact, is untimely, and fails to state a claim upon which relief may be granted. Fed. R. App. P. 24(a)(3).
3. The docket shall reflect that the dismissal of the Complaint shall count as a strike because Plaintiff failed to state a claim upon which relief may be granted. 28 U.S.C. 1915 (g).
4. The Clerk shall enter judgment accordingly.

DATED this 11th day of February, 2009.


SAM E. HADDON
United States District Judge

² Docket No. 2.