

FILED  
GREAT FALLS DIV.  
2011 FEB 15 PM 3 14  
PATRICK E. DUFFY, CLERK

IN THE UNITED STATES DISTRICT COURT <sup>BY</sup> \_\_\_\_\_  
DEPUTY CLERK

FOR THE DISTRICT OF MONTANA

GREAT FALLS DIVISION

ROBERT D. RIGGS,

Plaintiff,

No. CV-10-23-GF-SEH

vs.

WARDEN MACDONALD, et al.,

Defendants.

**ORDER**

United States Magistrate Judge Keith Strong entered his Findings and Recommendations<sup>1</sup> in this matter on January 25, 2011. Plaintiff filed objections on February 11, 2011. The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

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

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<sup>1</sup> Document No. 33

ORDERED:

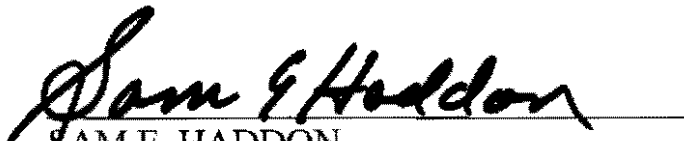
1. The Motion to Dismiss filed by Defendants Warden MacDonald, Warden Law, Unit Manager Sturchio, Captain Mertz, Rena Bear and C/O Mirical<sup>2</sup> is GRANTED. ALL claims against these Defendants are DISMISSED without prejudice for failure to exhaust administrative remedies.

2. All claims against Defendant Arnold are DISMISSED without prejudice for failure to effect service. Fed. R. Civ. P. 4(m).

3. The Clerk is directed to enter judgment in favor of Defendants and against Plaintiff.

4. Any appeal from this disposition would not be taken in good faith as Plaintiff failed to exhaust his administrative remedies, and he failed to serve Defendant Arnold. Fed. R. App. P. 24(a)(3).

DATED this 15<sup>th</sup> day of February, 2011.

  
SAM E. HADDON  
United States District Judge

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<sup>2</sup> Document No. 17