

FILED
GREAT FALLS DIV.

2011 JUN 28 PM 3 32

PATRICK E. DUFFY, CLERK

BY _____
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

JOSHUA HEATH,

Plaintiff,

vs.

CROSSROADS CORRECTIONS
CENTER and CORRECTIONS
CORPORATION OF AMERICA,

Defendants.

No. CV-11-34-GF-SEH

ORDER

On June 6, 2011, United States Magistrate Judge Keith Strong entered Findings and Recommendations¹ in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-52 (1986). However, this

¹ Document No. 4

Court will review Judge Strong's Findings and Recommendations for clear error.

Upon review, I find no clear error in Judge Strong's Findings and Recommendations and adopt them in full.

ORDERED:

1. The Complaint² is DISMISSED for failure to state a claim upon which relief may be granted. The Clerk is directed to close this matter and enter judgment in favor of Defendants.

2. The docket shall reflect that this dismissal counts as one strike under 28 U.S.C. § 1915(g) based upon Mr. Heath's failure to state a claim upon which relief may be granted.

3. Any appeal from this disposition will not be taken in good faith because Mr. Heath's failure to state a claim is so clear that no reasonable person could suppose an appeal would have merit. See Fed. R. App. P. 24(a)(3)(A).

DATED this 28th day of June, 2011.


SAM E. HADDON
United States District Judge

² Document No. 2