13IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ROBERT A. SHEPHERD,	CV 13–39–M–DWM–RKS
Plaintiff,	
vs.	ORDER
MONTANA HIGHWAY PATROL and NORTHERN MONTANA HOSPITAL,	
Defendants.	

Robert Shepherd is a prisoner proceeding pro se. He claims that the defendants violated his constitutional rights by questioning him and drawing blood from him after a motor vehicle accident on September 9, 2009. Magistrate Judge Strong recommends dismissing Shepherd's claims because they are barred by the statute of limitations and the *Heck* doctrine.

Shepherd had 14 days to file objections to Judge Strong's Findings and Recommendation. He did not do so. So the Court reviews 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 clear error. For the reasons given in the Findings and Recommendation, the Court dismisses this case with prejudice. Shepherd's claims
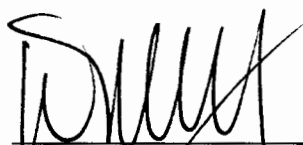
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are barred by the statute of limitations and the *Heck* doctrine. This case counts as a strike under 28 U.S.C. § 1915(g) because Shepherd fails to state a claim on which relief could be granted and his claims are frivolous. Moreover, any appeal of this decision would not be in good faith because no reasonable person could suppose that an appeal has merit.

IT IS ORDERED that Magistrate Judge Strong's Findings and Recommendation (doc. 9) is ADOPTED IN FULL. Shepherd's complaint (doc. 2) is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to enter judgment in favor of the defendants and close this case.

IT IS FURTHER ORDERED that the Clerk of Court shall indicate on the docket that this case counts as a strike under 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that the Clerk of Court shall indicate on the docket that any appeal of this decision would not be taken in good faith under Federal Rule of Appellate Procedure 24(a)(3)(A).

Dated this 20th day of August 2013.

Donald W. Molloy, District Judge
United States District Court

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