

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

BRYCE GLEN GRANBOIS,

Plaintiff,

vs.

DAVID J. MOON,

Defendant.

CV-16-00005-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Plaintiff Bryce Granbois, a prisoner at the United States Penitentiary in Leavenworth, Kansas, filed an Amended Complaint *pro se* alleging violations of due process under *Biven v. Six Unknown Named Agents of Fed. Bureau of Narcotic*, 403 U.S. 388 (1971), on May 4, 2016. (Doc. 13.) Granbois alleges that the Defendant deprived him of due process when he was detained on the Fort Peck Indian Reservation from August 6, 2015 to September 15, 2015. (Doc. 13 at 5.) United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 12, 2016. (Doc. 16.) Neither party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52

(1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston acknowledged that Granbois had previously filed a Complaint based on the same conduct alleged under the amended complaint. (Doc. 16 at 1.) Judge Johnston determined that the prior Complaint was inadequate under the screening procedures of 28 U.S.C. §§ 1915, 1915A, but gave Granbois the opportunity to cure the Complaint's deficiencies in an amended complaint. Judge Johnston's Findings and Recommendations in this matter (Doc. 16), completed the screening process under 28 U.S.C. §§ 1915, 1915A.

Judge Johnston determined that Granbois's Amended Complaint failed to state a claim on which relief may be granted. (Doc. 16 at 3.) Judge Johnston concluded that Granbois did not provide sufficient facts to plausibly suggest that Granbois was denied due process prior to or during his detainment at the Poplar Jail. *Id.*

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

IT IS ORDERED that:

1. Judge Johnston's Findings and Recommendations (Doc. 16) is **ADOPTED IN FULL**.
2. Granbois's Amended Complaint (Doc. 13) is **DISMISSED**.
3. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
4. The Clerk of Court is directed to have the docket sheet reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint lacks arguable substance in law or fact.

DATED this 18th day of January, 2017.



Brian Morris
United States District Court Judge