

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

JACOB RYAN MURIE,

Plaintiff,

vs.

CROSSROADS CORRECTIONAL  
CENTER,

Defendant.

**CV-17-00005-GF-BMM-JTJ**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter April 13, 2017. (Doc. 9.) 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).

Plaintiff Murie filed a Complaint and an Amended Complaint pursuant to 42 U.S.C. § 1983, as a pro se litigant. (Doc. 1, 6.) The Court issued an Order on February 24, 2017, that determined that the Complaint and the Amended

Complaint failed to state a claim. (Doc. 7.) The Court's Order gave Murie until March 31, 2017, to file a second amended complaint that would correct the deficiencies in the first two Complaints. *Id.* Murie has failed to file a second amended complaint. The Court's Order specifically advised Murie that his failure to file a second amended complaint by March 31, 2017, would result in the dismissal of this action with prejudice. *Id.* at 11.

Judge Johnston recommended that the Court dismiss this matter with prejudice for failure to state a claim, for the reasons set forth in the Court's February 24, 2017, Order. Doc. 9 at 1, citing Doc. 7. 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 Judge Johnston's Findings and Recommendations (Doc. 9) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that this matter is DISMISSED WITH PREJUDICE for failure to state a claim The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. §

1915(g), for failure to state a claim and 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.

DATED this 23rd day of May, 2017.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris  
United States District Court Judge