

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

FILED

FEB 26 2010

By: PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

HELENA DIVISION

BRENT BROWN,)	CV 09-29-H-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
GOV. BRIAN SCHWEITZER, et)	
al.,)	
)	
Defendants.)	
_____)	

Plaintiff Brown filed his Complaint pursuant to 42 U.S.C. § 1983 seeking to recover for alleged failure to provide medical care while incarcerated at the Montana State Prison. Further, Plaintiff Brown filed his Amended Complaint (dkt #6) following the Order (dkt #3) by United States Magistrate Judge Keith Strong. Thereafter, Judge Strong entered Findings and Recommendation in this matter on January 26, 2010. Plaintiff Brent Brown did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court

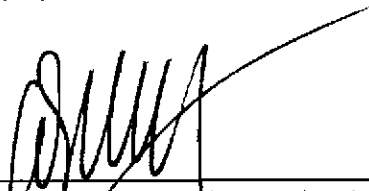
reviews the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000). I can find no clear error with Judge Strong’s recommendation and therefore adopt it in full.

IT IS HEREBY ORDERED that Judge Strong’s Findings and Recommendation (dkt #7) are adopted in full. The claims against Defendants Governor Brian Schweitzer, Montana Department of Corrections, Mike Ferriter, Ted Ward, Myrna Ohmolt-Mason, Laura Janes, Norma Jean Boles, Sherri Townsend, Liz Rantz, Montana State Prison, Mike Mahoney, and John and Jane Does 5-20 are DISMISSED.

IT IS FURTHER ORDERED that Plaintiff’s allegations regarding the treatment of his knee, physical therapy, and his placement in the prison are DISMISSED.

Dated this 26th day of February, 2010.



Donald W. Molloy, District Judge
United States District Court