

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

AUG 28 2014

Clerk, U.S. District Court
District Of Montana
Missoula

BRETT A. TURNQUIST,

Plaintiff,

vs.

PETER EDWARDS, DAVE WILLIAMS,
and CANDICE BAKER,

Defendants.

CV 13-69-H-DWM-RKS

ORDER

Plaintiff Brett A. Turnquist alleges Defendants were deliberately indifferent to his serious mental health needs when they discontinued one of his prescribed mental health medications. (Doc. 2.) On June 12, 2014, United States Magistrate Judge Strong found that Turnquist failed to state a federal claim for relief and gave Turnquist until June 30, 2014 to file an amended petition. (Doc. 7.) He did not do so. Judge Strong recommends that Turnquist's Complaint be dismissed. (Doc. 8.)

Turnquist has not filed objections to Judge Strong's Findings and Recommendation. The Court reviews the findings and recommendations that are not specifically objected to 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).

The Court finds no clear error with Judge Strong’s determination that Turnquist has failed to state a cognizable claim for inadequate medical care.

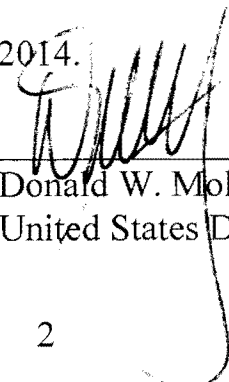
Accordingly, IT IS ORDERED that the Findings and Recommendation (Doc. 8) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Turnquist’s Complaint (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that 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 should have the docket reflect that this Court certifies pursuant to Fed. R. App. P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint is frivolous as it lacks arguable substance in the law or fact.

Dated this 28 day of August, 2014.



Donald W. Molloy, District Judge
United States District Court