

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

FILED

JUL 21 2016

Clerk, U S District Court
District Of Montana
Missoula

DEWAYNE BEARCHILD,

Plaintiff,

vs.

KRISTY COBBAN, SGT. PASHA,
SAM JOVANOVICH, TOM BLAZ,
DAN JOHNSON and C/O
SHASHLINGE,

Defendants.

CV 14-12-H-DLC-JTJ

ORDER

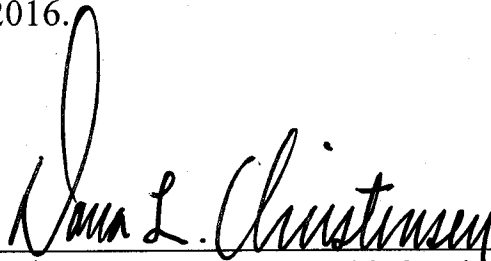
United States Magistrate Judge John T. Johnston entered an order, findings, and recommendations in this case on June 29, 2016, recommending that Plaintiff Dewayne Bearchild's ("Bearchild") Objection and Request for Clarification and Reconsideration—which Judge Johnston construed as a motion to dismiss Defendant Tom Blaz ("Blaz")—be granted and, consequently, denying as moot Blaz's motion to extend the pretrial motions deadline. Bearchild did not object to the order or recommendation, and so waived the right de novo review of the latter. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects, *see McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v.*

Arn, 474 U.S. 140, 149 (1985), as well as any orders within Judge Johnston's statutory jurisdiction, pursuant to 28 U.S.C. § 636(b)(1)(A). "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).

Having reviewed the findings and recommendations and finding no clear error therein,

IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 157) are ADOPTED IN FULL. Bearchild's Objection and Request for Clarification and Reconsideration (Doc. 121), which the Court has construed as a motion to dismiss Blaz, is GRANTED. Blaz is DISMISSED WITH PREJUDICE, and the Clerk of Court shall terminate him as a defendant in this matter.

DATED this 21st day of July, 2016.



Dana L. Christensen, Chief Judge
United States District Court