

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

**FILED**

AUG 31 2017

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

DAVID EMMANUEL LUCAS,

Plaintiff,

vs.

SAM JOVANOVIICH, TAYLOR  
CUNNINGHAM, KEN ARNOLD,  
SGT. WOHLMAN, LEROY  
KIRKEGARD, and DAN HUNTER,

Defendants.

CV 15-76-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations in this case on July 28, 2017, recommending that this action be dismissed. Plaintiff David Emmanuel Lucas (“Lucas”) failed to timely object to the Findings and Recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record, the Court agrees with Judge Johnston that there is no evidence that any individual officer caused a constitutional violation. Furthermore, finding no clear error in Judge Johnston’s conclusion,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 59) is ADOPTED IN FULL.

- (1) This case is DISMISSED.
- (2) The Clerk of Court is directed to close this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.
- (3) The Clerk of Court should be directed to have the docket 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.

DATED this 31<sup>st</sup> day of August, 2017.



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Dana L. Christensen, Chief Judge  
United States District Court