

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

ERNST L. EADES,

Plaintiff,

vs.

THE STATE OF MONTANA,
DEPARTMENT OF CORRECTIONS,
MONTANA STATE PRISON,
OFFICER POMEROY, SEVEN
UNIDENTIFIED OFFICERS,

Defendants.

CV 15-85-H-DLC-JTJ

ORDER

FILED

DEC 23 2015

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

United States Magistrate Judge John T. Johnston entered his Order, Findings and Recommendations on October 1, 2015, granting Plaintiff Ernst L. Eades's ("Eades") Motion to Proceed in Forma Pauperis and recommending dismissing certain Defendants from this suit. Eades 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)(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). 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) (citations omitted).

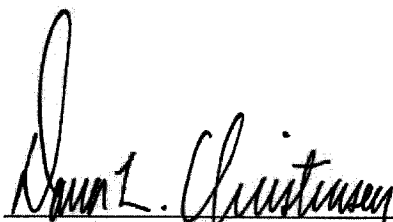
Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Johnston’s conclusion that Defendants the State of Montana, the Department of Corrections, and the Montana State Prison should be dismissed from this lawsuit because these entities enjoy sovereign immunity under the Eleventh Amendment.

There being no clear error in Judge Johnston’s Findings and Recommendations, IT IS ORDERED that:

(1) Judge Johnston’s Findings and Recommendations (Doc. 4) are ADOPTED IN FULL.

(2) Defendants the State of Montana, the Department of Corrections, and the Montana State Prison are DISMISSED.

Dated this 23rd day of December, 2015.



Dana L. Christensen, Chief District Judge
United States District Court