

FILED

JUL 21 2016

Clerk, U S District Court
District Of Montana
Missoula

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

JOHN FREDERICK LEATHERS,

Plaintiff,

CV 16-44-H-DLC-JTJ

ORDER

Leathers v. Montana C.S.E.D. et al
VS.

Doc. 4

MONTANA C.S.E.D., ECHO D.
NISSEN, JOHN LARSON, CELESTE
WILLIS, and LESLIE HALLIGAN,

Defendants.

United States Magistrate Judge John T. Johnston entered an order, findings, and recommendations in this case on June 20, 2016, granting Plaintiff John Frederick Leathers' ("Leather") motion to proceed *in forma pauperis*, but otherwise recommending that his case be dismissed. Leathers did not object to the findings and recommendations, and so has waived the right to de novo review thereof. 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).

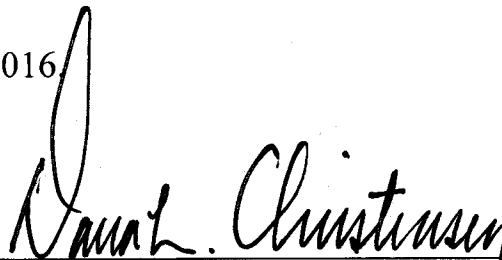
Having reviewed the findings and recommendations, the Court finds no clear error in Judge Johnston's conclusions that Leathers' claims are either time barred or subject to dismissal based upon principles of judicial immunity.

Accordingly, IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 3) are ADOPTED IN FULL. This case is DISMISSED WITH PREJUDICE. The Clerk of Court shall CLOSE this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) based upon Leathers' failure to file within the applicable statutes of limitation.

IT IS FURTHER ORDERED that the Clerk of Court shall 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 21st day of July, 2016.



Dana L. Christensen, Chief Judge
United States District Court