

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

FILED

JUN 22 2017

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

IAN BRANDON,

Plaintiff,

vs.

DR. KOHUT,

Defendant.

CV 16-68-H-DLC-JTJ

ORDER

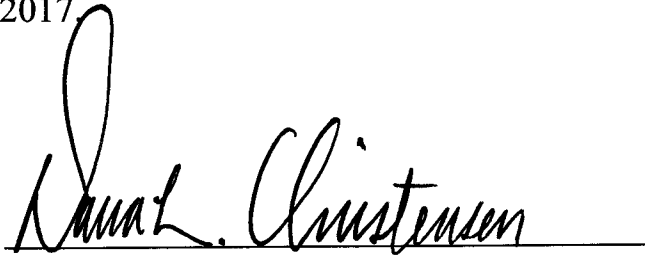
United States Magistrate Judge John T. Johnston entered findings and recommendations in this case on May 19, 2017, recommending that Plaintiff Ian Brandon's ("Brandon") Complaint be dismissed with prejudice for failure to state a claim. Brandon did not object to the findings and recommendations, and 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 conclusion that Brandon has failed to state a claim upon which relief may be granted.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 8) are ADOPTED IN FULL. This case is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court shall CLOSE this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. The Clerk of Court is also 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 22nd day of June, 2017

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looping initial "D".

Dana L. Christensen, Chief Judge
United States District Court