

FILED

AUG 07 2017

Clerk, U S District Court
District Of Montana
MissoulaIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

SHANE LOUIS BURD,

Petitioner,

vs.

DOCTOR KOHUT,

Respondent.

CV 16-88-H-DLC-JTJ

ORDER

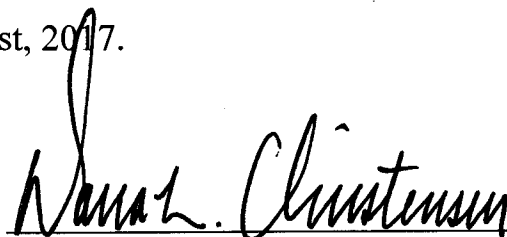
United States Magistrate Judge John T. Johnston entered his findings and recommendations in this case on May 22, 2017, recommending that Mike Batista and Leroy Kirkegard be dismissed from this action, and that Petitioner Shane Louis Burd's ("Burd") motion for a preliminary and permanent injunction be denied. Burd 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).

Judge Johnston found, and this Court agrees, that Mike Batista and Leroy Kirkegard should be dismissed from this action. Further, this Court finds that Burd failed to demonstrate that he is likely to succeed on the merits of his claims

which would entitle him to a preliminary and permanent injunction.

Accordingly, IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 43) are ADOPTED IN FULL. Defendants Mike Batista and Leroy Kirkegard are DISMISSED. Plaintiff's motion for a preliminary and permanent injunction is DENIED.

DATED this 7th day of August, 2017.

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

Dana L. Christensen, Chief Judge
United States District Court