

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

FILED

NOV 16 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

JAMES E. BALL,

Plaintiff,

vs.

CORRECTIONAL OFFICER DAN
JOHNSON, et al.,

Defendants.

CV 17-33-H-DLC-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Order and Findings and Recommendations in this case on October 16, 2017, recommending dismissal of specific claims and defendants. (Doc. 10 at 5.) Plaintiff James E. Ball (“Ball”) did not timely 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).

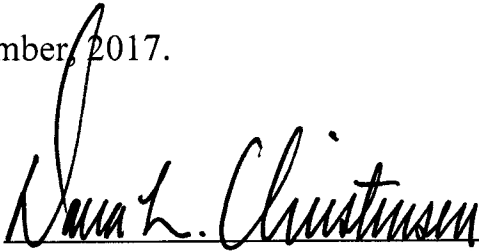
After reviewing the record and finding no clear error,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 10) are ADOPTED IN FULL. The following claims are DISMISSED for failure to state a claim upon which relief may be granted:

- (1) Ball's deliberate indifference claim against Defendant Johnson (Claim 1);
- (2) Ball's claims of threats and verbal harassment by Defendant Ross (Claim 2);
- (3) Ball's denial of access to the courts claims (Claims 4 and 7);
- (4) Ball's due process claims (Claim 5); and
- (5) Ball's sexual assault claim (Claim 6).

IT IS FURTHER ORDERED that Defendants Cobban, Kling, Redfern, and Kremer are DISMISSED.

DATED this 16th day of November, 2017.



Dana L. Christensen, Chief Judge
United States District Court