

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

JORDAN KEEFE,

Plaintiff,

vs.

MONTANA STATE, MICHAEL
FLETCHER, and LINDA JESS,

Defendants.

CV 17-92-H-BMM

ORDER

Plaintiff Jordan Keefe (Keefe) is a state prisoner proceeding *pro se*. Keefe has filed a Complaint under 42 U.S.C. § 1983. (Doc. 1). Keefe alleges that the Defendants violated his rights under the United States Constitution by denying him adequate medical care while he was incarcerated at the Montana State Prison. *Id.* The named Defendants are the State of Montana; Michael Fletcher, the Warden at the Montana State Prison; and Linda Jess, the Medical Director at the Montana State Prison.

United States Magistrate Judge John Johnston conducted an initial screening of Keefe's Complaint under 28 U.S.C. § 1915 on February 27, 2018. (Doc. 9). Judge Johnston determined that the Complaint failed to state a federal claim against any of the Defendants. (Doc. 9 at 9). Judge Johnston explained why the Complaint failed to state a cognizable claim for relief under federal law. (Doc. 9 at 4-9).

Judge Johnston gave Keefe an opportunity to cure the defects in his Complaint.

Judge Johnston directed Evans to file an Amended Complaint on or before March 30, 2018. (Doc. 9 at 11). Keefe filed an Amended Complaint on March 19, 2018. (Doc. 10).

Judge Johnston issued Findings and Recommendations in this matter on May 23, 2018. (Doc. 11). Judge Johnston explained why Keefe's Amended Complaint failed to state a cognizable claim for relief. (Doc. 11 at 1-2). Judge Johnston recommended that Keefe's Amended Complaint be dismissed for failure to state a federal claim. (Doc. 11 at 2). Keefe did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Keefe's Amended Complaint (Doc. 10) is DISMISSED with prejudice.
2. The filing of this action counts as one strike for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).
3. Any appeal of this decision would not be taken in good faith as

Keefe's claims lack arguable substance in law or fact.

4. The Clerk is directed to enter judgment accordingly.

DATED this 20th day of June, 2018.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge