

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

MICHAEL SHANNON
DRUMMOND,

Plaintiff,

v.

MEDICAL DEPARTMENT, MSP and
DR. PAUL REES,

Defendants.

CV-17-113-H-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge Johnston entered Findings and Recommendations on December 7, 2018. (Doc. 10). Judge Johnston determined that Mr. Drummond's allegations are insufficient to state a claim and are subject to dismissal. *Id.* Mr. Drummond was given an opportunity to file an amended complaint. *Id.* Judge Johnston determined, however, that the Amended Complaint contains the same allegations as the original Complaint and therefore fails to state a claim. *Id.*

No party filed objections to Judge Johnston's Findings and Recommendations. The Court has reviewed the 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.

ORDER

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 10) are **ADOPTED IN FULL**.

IT IS ORDERED that Mr. Drummond's claims are **DISMISSED**.

The Clerk of the Court is directed to close this matter and enter judgment in favor of the Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The Clerk of the Court is further 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 is not to be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the instant Complaint lacks arguable substance in law or fact.

The Clerk of the Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Mr. Drummond failed to state a claim.

DATED this 24th day of December, 2018.



Brian Morris
United States District Court Judge